



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**AUGUST 21, 2006
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, August 24, 2006, at 7:00 p.m., and Saturday, August 26, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV. CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late James R. Olin, a former member of the United States House of Representatives.

R 10

3.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the Audit Committee meeting held on Monday, June 5, 2006. P 13

RECOMMENDED ACTION: Receive and file.

- C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, September 18, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider an amendment to Enterprise Zone One A and Enterprise Zone Two and its Subzone. P 19

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from William D. Poe, Chair, Board of Zoning Appeals, transmitting the Annual Report for the period July 1, 2005 – June 30, 2006. P 21

RECOMMENDED ACTION: Receive and file.

- C-4 A communication from Samuel F. Vance, IV, representing the Industrial Development Authority, transmitting the Annual Report for the period July 1, 2005 – June 30, 2006. P 31

RECOMMENDED ACTION: Receive and file.

- C-5 Qualification of the following persons:

Charles D. Brunal as a member of the Roanoke Public Library Board, for a term ending June 30, 2009; and

David B. Trinkle as a member of the Roanoke Valley Area Metropolitan Planning Organization, to fill the unexpired term of M. Rupert Cutler, ending June 30, 2008; and as a member of the Roanoke Valley Allegheny Regional Commission, for a term ending June 30, 2009.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- | | | |
|----|--|-----------------|
| a. | Presentation of the 2005–2006 Annual Report of the Fair Housing Board. Nancy F. Canova, Chair. (Sponsored by the City Manager.) | P 54 |
| b. | Request to present Cost Collections Department results for fiscal year 2005–2006. Donald S. Caldwell, Commonwealth’s Attorney. (Sponsored by the City Manager.) | P 59 |
| c. | Recommendation by the Clerk of Circuit Court for replacement of microfilm reader/printer equipment and installation of a new debit system; and a communication from the City Manager concurring in the recommendation. | P 61;
B/O 64 |

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- | | | |
|----|---|---------------|
| 1. | Acceptance of a Green Machine Sidewalk Sweeper from Downtown Roanoke, Inc., for use in the Central Business District. | P 65;
R 67 |
| 2. | Amendment of the City Code to enhance Solid Waste Management operations. | P 68;
O 69 |

3. Execution of amendments to the contract with S. B. Cox, Incorporated, in connection with development of the Reserve Avenue project area for temporary multi-use athletic facilities; and transfer of funds.

P 82;
B/O 84;
O 85

b. DIRECTOR OF FINANCE:

1. Presentation of the Unaudited Financial Report for Fiscal Year 2006.

P 86

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board that a public hearing be held on Monday, September 18, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the issuance of VPSA School Financing Bonds (1997 Resolution) Series 2006 B for the Monterey Elementary School renovation project; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

P 112

- b. Request of the Roanoke City School Board for approval of a State Literary Fund loan application for improvements to William Fleming High School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

P 117;
R 123

- c. Request of the Roanoke City School Board for appropriation of \$7.5 million in Literary Fund Loan funds to provide for a portion of construction costs of the new William Fleming High School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

P 124;
B/O 126;
R 127

- d. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

P 128;
B/O 132

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**AUGUST 21, 2006
7:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTB Channel 3. Tonight's Council meeting will be replayed on Channel 3 on Thursday, August 24, 2006, at 7:00 p.m., and Saturday, August 26, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Mr. and Mrs. Aaron W. Athey to permanently vacate, discontinue and close a portion of an alleyway off of Arbutus Avenue, S. E., running between lots located at 716 and 724 Arbutus Avenue. Mr. and Mrs. Aaron W. Athey, Spokespersons. P 135;
O 142
2. Request of Pheasant Ridge Condominiums II, LL, Dalton Place, LLC, A & J Holdings, Inc., Integra Investments, LLC, Van Winkle, LLC, Pheasant Ridge Real Estate Holdings, LLC, and Pheasant Ridge Office Building, LLC, that certain proffered conditions on property located on Pheasant Ridge Road, S. W., be repealed and that such property be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; that properties located on Griffin Road, S. W., be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; that the portion of Granger Road, S. W., right-of-way containing 0.293 acre, which is the subject of a petition to close and vacate such right-of-way, be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; and that a portion of property on Pheasant Ridge Road, S. W., be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District, to complete the mixture of living unit options in the Pheasant Ridge community and to allow residential uses and related amenities and uses. Hunter D. Smith, Vice Manager, Pheasant Ridge Real Estate Holdings, LLC, Spokesperson. P 146;
O 166
3. Request of Mr. and Mrs. Charles C. Duncan, Jr., that property located at 1682 Monterey Road, N. E., be rezoned from R-5, Single Family Residential District, to RMF, Residential Multifamily District, subject to a condition that use of the property will be limited to a congregate home for the elderly with no more than eight unrelated residents. Charles C. Duncan, Jr., Spokesperson. P 169;
O 180
4. Proposal of the City of Roanoke to amend Vision 2001-2020, the City's Comprehensive Plan, to include the Greater Deyerle Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission, Spokesperson. P 182;
O 244

5. Proposal of the City of Roanoke to lease 2,688.1 square feet of space within the Roanoke Civic Center Annex, for a term of five years, and an additional 2,459 square feet of space should it become available. Darlene L. Burcham, City Manager.

P 246;
O 247

B. OTHER BUSINESS:

1. (a) Petition for appeal of a decision of the Architectural Review Board, filed by Marian M. Ali, with regard to installation of vinyl soffits on a structure located at 431 Elm Avenue, S. W.
- (b) Report of the Architectural Review Board with regard to the above referenced petition for appeal. Robert N. Richert, Chair.

P 249;

P 252

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL WEDNESDAY, AUGUST 30, 2006, AT 8:30 A.M., IN THE CARILION BIOMEDICAL INSTITUTE BOARD ROOM, 117 CHURCH AVENUE, S. W., AT WHICH TIME THE COUNCIL WILL PARTICIPATE IN THE CITY'S ANNUAL PLANNING RETREAT.

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late James R. Olin, a former Vice-President of the General Electric Company, and a 10-year representative of Virginia's 6th District in the U.S. House of Representatives.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Olin on Saturday, July 29, 2006;

WHEREAS, Mr. Olin was born February 28, 1920, in Chicago, Illinois, the oldest of three children of Harry Arthur and Katherine Davis Price Olin;

WHEREAS, Mr. Olin grew up in Kenilworth, Illinois, and attended New Trier High School, where he was elected class president and was a member of the football team;

WHEREAS, Mr. Olin attended Deep Springs College in California before transferring to Cornell University, where he earned a degree in electrical engineering;

WHEREAS, Mr. Olin met Phyllis Avery while at Cornell University and the two were married in October 1944 after her college graduation and his graduation from the Signal Corps Officers Candidate School at Fort Monmouth, New Jersey;

WHEREAS, Mr. Olin served in the U.S. Army during World War II and was stationed in Alaska for eight months;

WHEREAS, after his discharge from the Army, Mr. Olin joined the General Electric Company as a test engineer in Erie, Pennsylvania, and later worked for G.E. in Schenectady, New York;

WHEREAS, following various manufacturing assignments with G.E.'s control and motors businesses, Mr. Olin was named manager for the Small AC Motor and Generator Department in Schenectady in 1960;

WHEREAS, in Schenectady Mr. Olin began a life-long interest in politics and started working for local, state, and national candidates, and was elected Supervisor of the Town of Rotterdam, New York, his first elective political office;

WHEREAS, in 1963, Mr. Olin was promoted to manager of the Industrial Motor and Generator Section for the Direct Current Motor and Generator Department in Erie, and in 1966 was appointed manager of the Transportation Equipment Products Operation;

WHEREAS, in 1968 Mr. Olin moved to Roanoke, Virginia, to become general manager of the Industrial Control Department in Salem, Virginia, and went on to become manager of the Drive Systems Department in 1970 and, in 1980, a division general manager of G.E.'s new Industrial Electronics Division;

WHEREAS, Mr. Olin was named a G.E. Vice-President in July 1980 and took early retirement from G.E. in 1982;

WHEREAS, after his retirement from G.E., Mr. Olin decided to run for the U.S. Congress and was elected as a Democrat in November 1982 to represent the 6th District of Virginia;

WHEREAS, as a member of Congress, Mr. Olin served on the Agriculture and Small Business committees;

WHEREAS, Mr. Olin retired from Congress in 1993 after serving for 10 years;

WHEREAS, Mr. Olin received an honorary Doctor of Laws degree from Washington and Lee University in June 1992;

WHEREAS, Mr. Olin was active in his community including service on the boards of the Burrell Memorial Home, the Mental Health Association, the United Way, the Salem-Roanoke Chamber of Commerce, the Roanoke Symphony, the Virginia Manufacturers Association, the United Negro College Fund, Deep Springs College, and the Unitarian-Universalist churches he attended;

WHEREAS, Mr. Olin and his wife, Phyllis, moved to Charlottesville, Virginia in 2003 to live closer to family; and

WHEREAS, of his many accomplishments, Mr. Olin was most proud of his Eagle Scout award, his ongoing association with Deep Springs, his 35-year career at G.E., his sponsorship of the Virginia Wilderness Acts and the Buena Vista flood prevention program while in Congress, and his family with whom he enjoyed camping, canoeing, sailing, hiking, gardening, and classical music.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of James R. Olin, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Olin's widow, Phyllis Olin, of Charlottesville, Virginia.

ATTEST:

City Clerk.

MINUTES OF ROANOKE CITY AUDIT COMMITTEE

June 5, 2006

1. CALL TO ORDER:

The meeting of the *Roanoke City Audit Committee* was called to order at 11:00 a.m. on Monday, June 5, 2006, with Chair, Dr. M. Rupert Cutler, presiding.

- **The roll was called by Mrs. England**

Audit Committee

Members Present: Dr. M. Rupert Cutler, Chair
 Mayor C. Nelson Harris
 Vice-Mayor Beverly T. Fitzpatrick, Jr.
 Alfred T. Dowe, Jr.
 Sherman P. Lea
 Brenda L. McDaniel

Audit Committee

Member Absent: Brian J. Wishneff

Others Present:

Drew Harmon, Municipal Auditor
 Darlene L. Burcham, City Manager
 William M. Hackworth, City Attorney
 Jesse A. Hall, Director of Finance
 Rolanda Russell, Asst. City Manager for Community Development
 James Grigsby, Acting Asst. City Manager for Operations
 Mary Parker, City Clerk
 Larry Brown, Public Information Officer
 Karl Cooler, Building Commissioner
 Mike Tuck, Assistant Municipal Auditor
 Pam Mosdell, Information Systems Auditor
 Cheryl Ramsey, Auditor
 Geri Hayes, Senior Auditor
 Doris England, Administrative Assistant
 Gwen W. Mason, Council Member Elect
 R. Timothy Conner, Partner, KPMG LLP
 Peter J. Ragone, II, Senior Manager, KPMG LLP
 Evelyn Bethel, Citizen
 Helen Davis, Citizen

2. APPROVAL OF MINUTES FROM MARCH 6, 2006, MEETING

Chairman Cutler asked if there were any corrections or amendments to the minutes of the March 6, 2006, Audit Committee meeting. There were none.

Mr. Harris moved and Mr. Fitzpatrick seconded that the minutes be approved as distributed. A vote was taken and the motion carried. The minutes will be placed on the Consent Agenda for the next City Council meeting.

3. INTERNAL AUDIT REPORTS:

- A. Accela
- B. Purchasing Cards

Chairman Cutler ordered that items A and B be received and filed. There were no objections to the order. Chairman Cutler recognized Mr. Harmon for comments on each of the audits beginning with the Accela audit.

Mr. Harmon stated the Accela audit was requested by the Department of Technology and the Department of Planning, Building and Economic Development. Mr. Harmon explained this was more of a consultation than an audit in that Municipal Auditing was asked to look at the change control of the Accela system. Chairman Cutler asked for the definition of change control, and Mr. Harmon responded that any system must be updated and go through changes, such as the change in building permit fees that the city charges. There are changes in how the screen appears and the reports that run off the system. Mr. Harmon stated the Accela system is being utilized more fully than ever and appears in better shape than ever before, to the credit of the Building Commissioner, Karl Cooler. Mr. Harmon explained the system is used to track everything from when the contractor comes in to apply for a building permit for construction to the inspection process, and all the way through to the issuance of a certificate of occupancy. The initiatives planned to strengthen change controls include developing a written service level agreement, maintaining centralized documentation of changes and testing, removing the operations center from the process to load changes to production, and reducing the number of users with administrative rights in the system.

Mr. Harmon asked if the committee members had any questions regarding the Accela audit. Chairman Cutler noted that Finding 03 states the "Accela system was not designed with adequate provisions for controlling changes and ensuring the integrity of data," and the "opportunity for mistakes in moving changes to production is increased." Dr. Cutler asked Mr. Harmon how these concerns were being addressed. Mr. Harmon replied that limiting access to the system and implementing more formal procedures for change control are essentially all that can be done to protect the integrity of the system. Chairman Cutler asked Ms. Burcham if she had any comments on the system. Ms. Burcham stated the current Building Commissioner was taking advantage of automation to track the permits and also relieve employees of some unneeded paperwork.

Chairman Cutler asked Mr. Harmon for his comments on the Purchasing Card audit. Mr. Harmon stated the City of Roanoke manages its purchasing card program very efficiently in comparison to many other localities. He noted there were no significant misappropriations or misuses of the cards. Mr. Harmon referred committee members to the finding addressing approval signatures and stated that the review and approval process has always been considered an effective and necessary control over p-card purchases. The approval process was designed to also provide for reviews of purchases made by elected and appointed officials by Management and Budget. Upon review, it was agreed that the Purchasing division would be the more appropriate authority to review purchases by elected and appointed officials. Mr. Harmon also noted that future audits by the Municipal Auditing department would specifically include steps to review purchases transacted on purchasing cards issued under the names of elected and appointed officials. Mr. Harmon then referred committee members to the finding addressing split purchases and explained that splitting or breaking up purchases allows employees to exceed their purchasing authority, avoid obtaining quotes, and increases the risk that capital equipment would not be captured in the accounting records. Mr. Harmon stated that over 26,000 purchases were transacted during the period audited and that computer software was utilized to identify potential split purchases. This testing identified only nine split purchases. Mr. Harmon stated that one, and possibly two, of the nine transactions identified were not in fact split purchases based on additional information recently provided by the employees involved. Mr. Harmon stated that overall this year's audit results indicated improved compliance with purchasing card program policies and procedures. Mr. Harmon specifically cited the reduced utilization of affidavits in place of original receipts and the improved notations on receipts and invoices to document the purpose of purchases.

Chairman Cutler asked Mr. Harmon about the Libraries being excluded from this audit. Mr. Harmon replied that purchasing cards held by the Libraries had been excluded because a separate, unscheduled audit of all purchases was being performed at the Libraries.

Chairman Cutler asked Ms. Burcham for her comments. She stated that steps had been taken by administration regarding the split purchases, and any future split purchases by those individuals identified will result in the suspension of their use of the purchasing card. Mr. Burcham noted that following each year's purchasing card audit, there had been considerable improvement. She said she did not expect to see any split purchases next year. Ms. Burcham stated that the use of the p-card has enabled employees to work more efficiently and effectively; and thus, it is important to keep the integrity of the program at a high standard. Mr. Hall stated he agreed with Ms. Burcham. The purchasing card program is efficient and most employees

who use it comply with the procedures. He stated that those who did not would lose the privilege of using the card.

Mr. Dowe expressed his concern that terminated employees would still have purchasing cards in their possession. Mr. Hall explained that the employees in most cases would turn in their card but the associated account would not be de-activated in a timely manner. Mr. Harmon emphasized that terminated employees have not actually made any purchases on a city purchasing card after termination. Mr. Hall stressed the importance of department heads reviewing monthly statements on a timely basis to help ensure unauthorized purchases are quickly identified and addressed. Mr. Harmon noted that the City has a new purchasing card provider with on-line services that provide the capability for department managers to monitor purchases on a daily basis.

4. UNFINISHED BUSINESS:

A. Letter from Auditor of Public Accounts – Clerk of the Circuit Court Audit

Chairman Cutler ordered that the letter from the Auditor of Public Accounts [APA] regarding the Clerk of the Circuit Court audit be received and filed. There were no objections to the order. Chairman Cutler recognized Mr. Harmon for comments. Mr. Harmon reminded committee members that the Auditor of Public Account's report incorporates the audit work performed by the Municipal Auditing department's staff that was reported to the committee in March. Mr. Harmon noted that there were no findings and no instances of noncompliance.

5. NEW BUSINESS:

A. KPMG External Auditors – General Audit Plan for Fiscal Year Ending June 30, 2006

Chairman Cutler recognized Mr. R. Timothy Conner, KPMG Engagement Partner, to speak to the committee members regarding the General Audit Plan for Fiscal Year Ending June 30, 2006. Mr. Conner referred to the booklet that he had distributed to all committee members and went over the engagement team members and the entities subject to audit and reporting. These entities include the City of Roanoke, School Board of the City of Roanoke, Greater Roanoke Transit Company, Southwestern Virginia Transit Management Company, Inc. Retirement Plan and Trust, and the City of Roanoke Pension Plan. Mr. Conner reviewed the engagement timetable, pointing out that final reports were scheduled to be complete by mid-November. Mr. Conner introduced Mr. Peter J. Ragone, II, KPMG Engagement

Senior Manager, to speak to the committee regarding the audit approach. Mr. Ragone went over the four steps in the audit process, which include planning, control evaluation, substantive testing, and completion. He then spoke about the significant audit areas to be covered in the City of Roanoke, the School Board, Greater Roanoke Transit Company, and the City's Retirement Plan. Mr. Ragone discussed the audit work required under the U.S. Office of Management and Budget Circular A-133, more commonly referred to as Single Audit work. Mr. Ragone identified four programs that require audit this year based on A-133 guidelines. The programs are the Community Development Block Grant, Special Education, Title I, and Title II-A. Mr. Ragone also highlighted that the Virginia Auditor of Public Accounts has adopted a new requirement for localities to prepare a separate report on local telecommunications taxes and to have these reports examined and verified by an independent auditor. Mr. Ragone mentioned Government Accounting Standards Board [GASB] statement number 42 that addresses impairments of capital assets that would require recognition in a locality's financial statements. He also mentioned GASB statement number 44, which specifies required information in the statistical section of the comprehensive annual financial report. Mr. Ragone reviewed the responsibilities and assistance provided by city departments, which will be consistent with past years' audits.

Mr. Conner then commented that the examination of the City's report on telecommunications tax revenues required by the APA will require a separate engagement letter. Mr. Conner estimated that the cost of the examination will be approximately \$3,500.

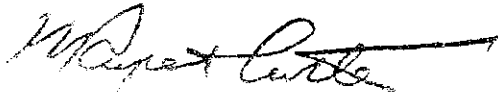
Mr. Conner asked the committee members if there were any areas they would like to bring to the attention of the external auditors. No comments were offered by committee members. Mr. Harmon reminded committee members that the contact information for Mr. Conner and Mr. Ragone was attached to the front of the general audit plan in each member's committee packet. Chairman Cutler stated that, in turn, the KPMG auditors could also contact Audit Committee members if there is anything they would like to discuss.

6. OTHER BUSINESS

Chairman Cutler recognized Mr. Harmon for comments. Mr. Harmon presented Dr. Cutler with a plaque denoting Dr. Cutler's service as Audit Committee Chairman for two years. Mr. Harmon expressed the Auditing department's appreciation and gratitude to Dr. Cutler for his dedication, professionalism, inquisitiveness, and support. Mayor Harris stated the other members of the committee echoed those sentiments.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:35 a.m.

A handwritten signature in black ink, appearing to read "M. Rupert Cutler", written over a horizontal line.

M. Rupert Cutler, Chair



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: www.roanokeva.gov

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Request to Schedule a Public
Hearing to Consider Amendment to
Enterprise Zone One A and Enterprise
Zone Two**

Pursuant to the requirements of the Code of the Commonwealth of Virginia, the City of Roanoke is required to hold a public hearing when amending either the boundaries or incentives to Enterprise Zone One A and Enterprise Zone Two and its Subzone. The amendments proposed by staff include:

- Modification to the boundaries of both Enterprise Zone One A and Two to eliminate inclusion of parcels that are completely residential and add commercial parcels.
- Creation of a parking lot improvement matching grant program incentive for Enterprise Zone Two.
- Amendment of the definition of "façade" as used in the existing facade improvement grant program in Enterprise Zone One A
- Modifications to the provisions of the Fire Suppression Grant program in Enterprise Zone One A.

Recommended Action:

Schedule and advertise a public hearing to be held on Monday, September 18th, 2006, at 7:00 p.m. on the above matter.

Honorable Mayor and Members of City Council
August 21, 2006
Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham
City Manager

DLB/CC

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Brian Townsend, Director of Planning Building & Economic Development

CM06-00148

**PLANNING BUILDING AND ECONOMIC DEVELOPMENT**

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 166
Roanoke, Virginia 24011
540.853.1730 fax 540.853.1230
planning@roanokeva.gov

August 21, 2006

The Honorable C. Nelson Harris, Mayor
Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

As Chairman of the Roanoke City Board of Zoning Appeals for 2006, it is my honor to present to you the annual report for July 1, 2005, through June 30, 2006. For fiscal year 2005-2006, the Board of Zoning Appeals held eleven (11) regular public hearings, during which there were twelve (12) variance requests, twenty-nine (29) special exception (use) requests, and one (1) appeal of the Zoning Administrator's decision.

In the current year, the Board of Zoning Appeals' goals are to: first, continue to serve the citizens and developers of the community in furthering the use, development and redevelopment of property through variances and special exceptions; second, to continue to act as a discretionary administrative body and make decisions in matters where a person or party within the community is aggrieved by a decision made in the administration or enforcement of the zoning ordinance; and lastly, to recommend to the Planning Commission and City Council necessary revisions to the zoning ordinance in order for the Board to continue to provide fair and equitable service to the community and its citizens. The Board continues to work with the City Attorney's Office to assure that our procedures promote a concise and fair process.

On behalf of the Board, I would like to express our appreciation for Council's ongoing efforts to improve the effectiveness of the Board of Zoning Appeals through funding for the training and certification of the Board members.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Poe", written over a horizontal line.

Bill Poe, Chairman
Board of Zoning Appeals

CITY OF ROANOKE BOARD OF ZONING APPEALS

Appointment of the Board

The Council of the City of Roanoke appoints a Board of Zoning Appeals in accordance with enabling legislation as set forth by the Commonwealth of Virginia, which provides that the said Board of Zoning Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the zoning ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

Membership of the Board

The Board of Zoning Appeals shall consist of seven members, appointed for a term of three years and removable for just cause by City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members may be reappointed and may serve up to three consecutive, three-year terms.

Powers of the Board

The Board is appointed by City Council to act as a discretionary administrative body to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by administrative officials in the enforcement of the zoning ordinance adopted pursuant thereto.

The Board is charged with the responsibility to hear, decide and authorize special exceptions to the terms of the zoning ordinance based upon certain criteria and findings as specified in the ordinance; and to hear, decide, and authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance that would not be contrary to the public interest where a literal enforcement of the provisions of such ordinance would result in unnecessary hardship, provided in all cases, the spirit of the ordinance shall be observed and substantial justice done.

SUMMARY OF BOARD ACTION July 1, 2005 through June 30, 2006

During the fiscal year of July 1, 2005 through June 30, 2006, the Board of Zoning Appeals heard 42 requests. These applications consisted of 12 Variance requests, 29 Special Exception requests, and 1 Appeal.

SUMMARY

VARIANCES APPROVED	2	SPECIAL EXCEPTIONS APPROVED	24	APPEAL DENIED	1
VARIANCES DENIED	4	SPECIAL EXCEPTIONS DENIED	0		
(withdrawn before being heard)	6	(withdrawn after being heard)	3		
		(withdrawn before being heard)	2		

ATTENDANCE

There were 11 regular hearings held in this fiscal year.

BOARD MEMBER	ATTENDANCE
Mr. Benjamin S. Motley	9
Mrs. Joel Richert	10
Mr. Joe Miller	11
Ms. Diana Sheppard	10
Mr. Kermit E. "Kit" Hale	9
Mr. William Poe	10
Mr. Phillip Lemon	11

BOARD OF ZONING APPEALS
July 1, 2005 through June 30, 2006

17-05V-A	Cavitt K. Bartley	501 13 th St., S W and vacant lot on 13 th St., #1220208 and 1220209	Variance from rear yard depth	36.1-211 (c)		Withdrawn before 7/12/05 public hearing
18-05S-A	Rebecca Hillman	3310 Franklin Rd., SW #1300116	Special exception for portrait studio	36.1-186, item (6)		Granted 7/12/05
19-05-V-A	Emily W. Mallory	428 Cassell Lane, SW, #1071207	Variance from rear property line; variance nonconforming structure	36.1-593(a) 36.1-93 (c)		Denied 7/12/05
20-05-S-A	Steven Blecher	1001-1003 Columbia St., , NE, 7330501, 7330502	Special exception for paintball field	36.1-90, item (9) 36.1-108, item (9)		Con't. after public Hearing on 7/12/05 to 8/9/05 and then withdrawn before the public hearing
21-05-S-A	New Vista Montessori School	2711 Laburnum Ave., SW, # 1620108	Special exception for Montessori School	36.1-127, item (10)	Limit enrollment to 70 students	Granted at 7/12/05 public hearing
22-05V-A	Roanoke City School Board	2620 Carolina Ave., SW, # 1061303	Variance for fitness equipment in playground	36.1-531 (e)		Granted at 7/12/05 public hearing
23-05S-A	Karen A. Coleman	3702 Wilmont Ave., NW., #2730407	Special exception for Music lessons	36.1-72, item (a)(6)	5 year time limit	Granted at 8/9/05 public hearing
24-05S-A	Parkway House of Prayer	3230 King St., NE #7090402	Special exception for Christian Elementary School	36.1-90, item (4)	Maximum enrollment of 140 students	Granted at 8/9/05 public hearing
25-05S-A	SBA Properties	2371 York Rd., SW, (2339 Grandin Rd.) #1540330	Special exception for telecommunications tower	36.1-90, item (12)		Cont. before 8/9/05 public hearing to 9/13/05

						public hearing; cont. to 11/8/05 and withdrawn
26-05V-A	SBA Properties	2371 York Rd., SW, (2339 Grandin Rd.) #1540330	Variance for telecommunica- tions tower	36.1-94		Cont. before 8/9/05 public hearing to 9/13/05; cont. to 11/8/05 and withdrawn
27-05S-A	Verizon Wireless	320 Hershberger Rd., NW., #2181001	Special exception for telecommunica- tions antennas	36.1-186, item (9)	the project be constructed in substantial conformance to the plans filed with the application; if the equip- ment ceases to be used for 6 months, all equipment shall be removed within 90 days of the end of operation	Granted at 8/16/05 public hearing
28-05S-A	Richard Henegar	Orange Ave., N.E. 7140114	Special exception for collision repair shop	36.1-207, item (5)	the front façade shall be constructed of architectural split face block; the columns shall be split face block which matches the front façade materials, the project be in substantial conformance with the site plan and elevation drawing, the fence shall be a solid wooden fence.	Cont. after 8/9/05 public hearing to 9/13/05 public hearing— Granted at 9/13/05 public hearing
29-05V-A	Keith Guthrie	4604 Daleville Rd., NW, #2280923	Variance for side yard setback	36.1-593 (a)		Withdrawn before 9/13/05 public hearing
30-05S-A	W. A. Bohon, Jr.	4346 Old Mountain Rd., NE, # 7360336	Special exception for duplex	36.1-108, item (1)	the elevations of the structure shall be in substantial conformance with the drawing submitted, that the back unit shall be built in a mirror image to put the	Granted at 9/13/05 public hearing

					garage on the back unit offset from the garage on the front and that there will be a small planting space at the front door of the back unit.	
31-05S-A	Garnett M. Graves, Sr.	1931 Orange Ave., NW, # 2321309	Special exception for barber shop	36.1-186 , item (6)	granted for a period of no longer than 5 years and that the use of the property as a barber shop shall be limited to the first floor	Granted at 9/13/05 public hearing
32-05S-A	Roanoke Investments Associated, Inc.	3361 Melrose Ave., NW, # 2660519	Special exception for general offices over 20,000 square feet	36.1-250, item (4)		Granted at 9/13/05 public hearing
33-05V-A	Trustees of Lakeland Lodge	2742 Grandin Rd., SW # 1630212	Variance for addition to front of building	36.1-594 (b)		Denied at 9/13/05 public hearing
34-05V-A	Jennifer Lewis	1601 Ivy St., SE., # 4041813	Variance to enlarge a nonconforming structure	36.1-593(a)		Withdrawn before public bearing
35-05S-A	Gregory Walter	5219 Peters Creek Rd., NW., #6600103	Special exception for medical clinic	36.1-250, item (1)		Granted at 11/8/05 public hearing
36-05S-A	Omnipoint Communications	305 Eugene Dr., NW #6050503	Special exception for telecommunica-tions tower	36.1-90, item (12)	Maximum height of antenna shall be 113.5 feet; co-axle and mounting apparatus to be painted	Continued from 12/13/05 public hearing and granted at 1/10/06 public hearing
37-05V-A	Omnipoint Communications	305 Eugene Dr., NW #6050503	Variance for telecommunica-tions tower	36.1-94		Withdrawn Before public hearing

01-06A-A	Skyway Outdoor, Inc.	3315 Ordway Dr., NW, #6460104	Appeal	36.1-445 (c)		Denied at the 1/10/06 public hearing
02-06S-A	Drew H. Kepley	Corner Woods & 6 th St., SW, # 1131411 & 1131412	Special exception for townhouses	36.2-340 36.2-431		Withdrawn after 1/10/06 public hearing
03-05S-A	Wendy R. Blair	360 Albemarle Ave., S. W., #1, #1121217	Special exception for bed and breakfast	36.2-340 36.2-405		Granted at the 1/10/06 public hearing
04-06S-A	New Cingular Wireless PCS, LLC	2306 Peters Creek Rd., N. W., 6160633	Special exception for wireless telecommunication antenna	36.2-340 36.2-432	the project shall be constructed, installed, and maintained in substantial conformity with the plans submitted with the application, prepared by Bechtel Corporation, dated August 15, 2005, Revised October 25, 2005, and entitled "Cingular Wireless, Site Number: RO398, Site Name: USC-Peters Creek, Tower Owner: US Cellular, Tower Number: 1239944," a copy of which is attached to the application, subject to any changes required by the City during basic development plan or building plan review.	Granted a the 2/14/06 public hearing
05-06S-A	New Cingular Wireless, PCS, LLC	110 Steele Dr., S. W., # 6021201	Special exception for wireless telecommunication antenna	36.2.340 36.2-432	that the project shall be constructed, installed, and maintained in substantial conformity with the plans submitted with the application, prepared by Bechtel Corporation, dated December 1, 2005, and entitled "Cingular Wireless, Site Number: RO396, Site Name: USC-Brandon Ave.,	Granted a the 2/14/06 public hearing

					Tower Owner: US Cellular, Tower Number: 1225070," a copy of which is attached to the application, subject to any changes required by the City during basic development plan or building plan review.	
06-06S-A	Robert A. Buckley	1323 Grandin Rd., S.W., #1431823	Special exception for eating and drinking establishment	36.2-340	the special exception be applied only to the tenant space of the building as delineated on the floor plan, and be developed in substantial conformity with the floor plan with the application	Granted at the 2/14/06 public hearing
07-06S-A	Winter Properties Partnership, LLP	Janette Avenue, S.W., #1140121	Special exception for townhouses	36.2-340 36.2-431	the subject property be developed in substantial conformity with the site plan	Granted at the 2/14/06 public hearing
08-06S-A	Drew H. Kepley	Corner Woods & 6 th St., SW, # 1131411 & 1131412	Special exception for townhouses	36.2-340 36.2-431	The additional asphalt paving shown on the site plan for Unit A be eliminated, and that the garage for Unit A be accessed simply by a 10-foot wide driveway.	Granted at the 3/14/06 public hearing
09-06S-A	Bernard J. Godek, Roanoke City Schools	2102 Grandin Road, S. W., #1460101	Special Exception to install sports stadium lighting	36.2-340 36.2-403 (g)		Cont. after public hearing on 3/14/06 to 4/11/06 and then granted
10-06V-A	Gary L. Avis	5113 Morwanda St., N.W., #6080903	Variance front yard set back	36.2-205 (f)(2)(A)		Denied at the 3/14/06 public hearing
11-06V-A	LMW, PC	1916 Wise Ave., S. E., #4210338	Variance front yard set back	36.2-205 (f)(2)(A)		Granted at the 3/14/06 public hearing
12-06S-A	Bill Tanger	2609 Plantation Road, N.W., #3130209	Special exception to expand parking area	36.2-340 36.2-418	that the parking lot be developed in substantial conformity with the plan which was attached to the	Granted at the 3/14/06 public hearing

					application and that the use of the parking lot by motor vehicles being serviced be prohibited.	
13-06S-A	Omnipoint Communications	Franklin Rd., S. W., #5380121	Special exception for antenna to existing water tank	36.2-340 36.2-432		Withdrawn before public hearing
14-06S-A	Ralph Hodges	2402 Belle Ave., S.W., # 3320104	Special exception to amend site plan	36.2-340		Cont. after public hearing on 5/9/06 to 6/13/06 and then Withdrawn
15-06S-A	Charles G. Gillenwater	2924 Courtland Rd., N.W., #2060727	Special exception for barber shop	36.2-340 36.2-413	one customer at a time by appointment only, hours of operation from 8:30 a.m. to 6:00 p.m. daily, with no Sunday hours permitted, a three-year time limit	Granted at the public hearing on 5/9/06
16-06V-A	William C. Stephenson, IV	2525 Cornwallis Ave., S.E., #4080227	Variance for sideyard setback of 5 ft. in lieu of 8 ft.	36.2-311(d)		Con't after public hearing on 5/9/06 to 6/13/06 and then denied
17-06S-A	BRBH Property	3003 Hollins Rd., N.E., #3140817, 3140811	Special exception for group care facility	36.2-340 36.2-412		Granted at the 6/13/06 public hearing
18-06V-A	Charles D. Smith	715 Orange Ave., N.E. , #2031605	Variance for off-street parking to be located in the front of the principal building in the ND District	36.2-654(d)(3)		Withdrawn before public hearing
19-06S-A	Richard Henegar	1529 Seibel Dr., N. E., #7140121	Special exception for motor vehicle or trailer painting and body repair establishment	36.2-340 36.2-418	the outdoor storage area shall be screened from view from adjacent properties and public streets in strict compliance with Section 36.2-418(c)(3).	Granted at the 7/11/06 public hearing
20-06S-A	Erin Journell	1818 Riverdale Road,	Special exception	36.2-340	1 customer at a time by	Granted at the

	Moock	S. E., #4430314	for beauty salon	36.2-413	appointment only; hours of operation to Tuesday, Wednesday, and Thursday, from 1:00 p.m. to 7:00 p.m. (with the last customer being taken at 6:00 p.m.), and Saturday, from 10:00 a.m. to 3:00 p.m. (with the last customer being taken at 2:00 p.m.); and 3 year time limit	7/11/06 public hearing
21-06S-A	Linda S. Stephens	2819 Bluefield Blvd., S. W., #1360222	Special exception for beauty salon	36.2-340 36.2-413	1 customer at a time, by appointment only, and a limit on the days of operation to Monday through Saturday, with no hours of operation beyond 7:00 p.m.	Granted at the 7/11/06 public hearing

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HAND DELIVERED

RE: Industrial Development Authority of the City of Roanoke, Virginia

I am delivering with this letter the Annual Report of the Industrial Development Authority of the City of Roanoke, Virginia.

Sam

cc: Directors, Industrial Development Authority
(with report enclosed)

Annual Report

The Industrial Development Authority of the City of Roanoke, Virginia

To: The Members of Council of the City of Roanoke

Name and Organization:

The Industrial Development Authority of the City of Roanoke, Virginia was organized pursuant to ordinance adopted by the City Council October 21, 1968. It has been in continuous operation and has assisted the City's economic development efforts in meeting to approve small issue and 501(c)(3) industrial development revenue bond financings.

Membership:

There are seven members of the IDA appointed by Council for 3 year terms. As of the date of filing of this report the membership, officers and terms of the directors are as follows:

<u>Name</u>	<u>Office</u>	<u>Expiration of Term</u>
Dennis R. Cronk	Chairman	October 20, 2006
Charles E. Hunter, III	Vice Chairman	October 20, 2008
A. Damon Williams	Treasurer	October 20, 2006
Linda Davis Frith		October 20, 2007
F. Gordon Hancock		October 20, 2007
S. Deborah Oyler		October 20, 2009
Stuart Revercomb		October 20, 2009

Staffing:

The IDA uses the City of Roanoke Economic Development Division's staff and works in close conjunction with the Director of Planning Building and Economic Development.

The IDA meets the second Wednesday of every month. The meeting dates for this fiscal year are July 12, 2006, August 9, 2006, September 13, 2006, October 11, 2006, November 8, 2006, December 13, 2006, January 10, 2007, February 14, 2007, March 14, 2007, April 11, 2007 and May 9, 2007.

The meetings are held at 8:00 a.m. at the City of Roanoke, Division of Economic Development, 111 Franklin Plaza, Roanoke, Virginia.

During fiscal year ended June 30, 2006, the IDA held 10 meetings; its average attendance was 5, with the attendance of the various members is as follows:

ATTENDANCE ROSTER Industrial Development Authority

Directors	7/13/05	8/10/05	9/14/05	9/21/05	10/5/05	11/16/05	12/8/05	2/8/06	4/3/06	6/14/06
Dennis R. Cronk	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
Linda Davis Frith	Present	Absent	Absent	Absent	Present	Present	Present	Present	Present	Present
F. Gordon Hancock	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent
Charles E. Hunter, III	Present	Present	Present	Present	Absent	Present	Present	Absent	Present	Absent
S. Deborah Oyler	Absent	Present	Absent	Present	Absent	Present	Present	Present	Absent	Present
Stuart Revercomb	Present	Absent	Present	Present	Present	Present	Absent	Present	Present	Present
A. Damon Williams	Absent	Absent	Present	Present	Present	Present	Present	Present	Present	Present

Activities in Fiscal Year 2005/2006:

This year the IDA:

- Approved the funding of ten façade grants totaling over \$287,000 as follows:

Roanoke Redevelopment & Housing Authority for the building located at 109 1st Street in the amount of \$25,000;

Musselwhite Holdings LLC for the building located at 301 Jefferson Street in the amount of \$24,453;

Lofts on Church LLC for the building located at 15-17 Church Avenue in the amount of \$25,000;

Rae Haas for the building located at 2718 Williamson Road in the amount of \$8,500;

Warehouse 315 LLC for the building located at 315 Albemarle Avenue, S. E. in the amount of \$25,000;

102 W. Campbell, LLC for the building located at 102 W. Campbell in the amount of \$25,000;

Mountain Roofing, Inc. for the building located at 501 Shenandoah Avenue in the amount of \$1,735;

Paradox Restaurant for the building at 202 Market Square in the amount of \$25,000;

Effie Moore for the building located at 2401 Plantation Road in the amount of \$3,804;

102 W. Campbell, LLC for the building located at 111 West Campbell Avenue in the amount of \$25,000;

Aaron's Jax-Orlando, LLC for the building located at 3308 Williamson Road in the amount of \$12,446.67; and,

Metropolitan Properties LLC for the building located at 210-214 Market Street in the amount of \$25,000; and,

Factory 324, LLC for the building located at 324 Salem Avenue in the amount of \$25,000; and,

Beulah Investments LLC for the building located at 310 Second Street in the amount of \$13,186; and,

Wetz Big Lick, LLC for the building at 110 Campbell Avenue in the amount of \$23,310.

- Approved the Performance Agreement between the City and Valley View Mall, LLC
- Approved the Performance Agreement between the City and United HealthCare Services, Inc.
- Approved the Performance Agreement between the City and Faison-Southern Lane, LLC.
- Assisted the Carilion Health System Obligated Group in financing and refunding certain bonds in the amount of \$308,465,000.
- Undertook to revise its fee structure in order to provide the Authority with the funds necessary to take a significantly more active role in identifying and contributing to the overall economic development effort in the City of Roanoke.
- Received regular briefings on economic activities from the Economic Development Department of the City of Roanoke.

The IDA looks forward to continuing its close partnership in economic development with the City of Roanoke and stands ready to work as a full economic development partner with other members of the City's team.

Respectfully submitted.

Date: _____

8/14/06


Dennis R. Cronk, Chairman

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

July 13, 2005

Directors present: Dennis R. Cronk, Linda Davis Frith, F. Gordon Hancock, C. E. Hunter, and Stuart Revercomb

Directors absent: S. Deborah Oyler and A. Damon Williams.

Also present at the meeting were Brian Townsend, Acting Director, City of Roanoke Department of Economic Development, Linda Bass, Economic Development Specialist, and Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority.

Chairman Dennis R. Cronk called the meeting to order at 8:05 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority unanimously approved the minutes of the May 11, 2005 regular meeting.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority received the financial report prepared as of May 31, 2005.

On motion by Mr. Hancock, seconded by Mr. Hunter, the Authority voted 5-0 to approve a Façade Grant in an amount of \$25,000 for Roanoke Redevelopment & Housing Authority for improvements to the façade of the Higher Education Center and Culinary School located at 109 1st Street.

On motion by Mr. Hancock, seconded by Ms. Frith, the Authority voted 5-0 to reject a Façade Grant application of Gayle and Hunter Merrill and requested that the staff obtain additional information on this application.

On motion by Mr. Hancock, seconded by Ms. Frith, the Authority voted 5-0 to approve a Façade Grant application of Stephen Musselwhite in the amount of \$24,453 for improvements to the façade of the property located at 301 Jefferson Street.

On motion by Mr. Hancock, seconded by Mr. Hunter, the Authority voted 5-0 to approve a Façade Grant application of Robert Fetzer in the amount of \$25,000 for improvements to the façade of the property located at 15/17 Church Avenue.

On motion by Mr. Hancock, seconded by Mr. Hunter, the Authority voted 5-0 to delay consideration of the remaining Façade Grant applications pending the availability of further funding.

There being no further business, Mr. Cronk adjourned the meeting at 8:45 a.m.

Attachments (1):

- 1) Financial Report 05-31-05

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

August 10, 2005

Directors present: Dennis R. Cronk, F. Gordon Hancock, C. E. Hunter, and S. Deborah Oyler.

Directors absent: Linda Davis Frith, Stuart Revercomb and A. Damon Williams.

Also present at the meeting were Brian Townsend, Acting Director, City of Roanoke Department of Economic Development, Chris Copenhaver, Economic Development Specialist, L. Elizabeth McCoury, Economic Development Administrator, Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority and two representatives of Carilion Medical Center, David Hagadorn, Treasury Advisor and Rob Vaughan, Vice President-Finance.

Chairman Dennis R. Cronk called the meeting to order at 8:00 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority unanimously approved the minutes of the July 13, 2005 regular meeting.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority received the financial report prepared as of July 31, 2005.

On motion by Mr. Hancock and seconded by Ms. Oyler, the Authority adopted by a vote of 4-0 a resolution authorizing the Chairman and each officer who is also a Director of the Authority acting jointly or singly to identify hedge contracts as qualified hedges pursuant applicable treasury applications.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority adopted by a vote of 4-0 an inducement resolution for Carilion Medical Center.

On motion by Mr. Hancock, seconded by Mr. Hunter, the Authority voted 4-0 to approve a Façade Grant for Rae Haas in the amount of one third of the costs of improving the façade to the building at 2718 Williamson Road in the approximate amount of \$8,500.00.

On motion by Ms. Oyler, seconded by Mr. Hancock, the Authority voted 4-0 to postpone consideration of a Façade Grant application of Paul Richards and requested that the staff obtain additional information on this application.

On motion by Mr. Hancock, seconded by Mr. Hunter, the Authority voted 4-0 to approve a Façade Grant application of Katie Wallace in the amount of \$25,000 for improvements to the façade of the property located at 315 Albemarle Avenue.

On motion by Mr. Hancock, seconded by Ms. Oyler, the Authority voted 4-0 to approve a Façade Grant application of Rob Glenn in the amount of \$25,000 for improvements to the façade of the property located at 102 Campbell Avenue, S. W.

On motion by Mr. Hancock, seconded by Ms. Oyler, the Authority voted 4-0 to delay consideration of the remaining Façade Grant applications.

There being no further business, Mr. Cronk adjourned the meeting at 9:00 a.m.

Attachments (3):

- 1) Financial Report 07-31-05
- 2) Hedge Resolution
- 3) Inducement Resolution

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

September 14, 2005

Directors present: Dennis R. Cronk, F. Gordon Hancock, C. E. Hunter, Stuart Revercomb and A. Damon Williams.

Directors absent: Linda Davis Frith and S. Deborah Oyler.

Also present at the meeting were Brian Townsend, Acting Director, City of Roanoke Department of Economic Development, Chris Copenhaver, Economic Development Specialist, L. Elizabeth McCoury, Economic Development Administrator and Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority.

Chairman Dennis R. Cronk called the meeting to order at 8:00 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority unanimously approved the minutes of the August 10, 2005 regular meeting.

On motion by Mr. Hancock and seconded by Mr. Revercomb, the Authority received the financial report prepared as of August 31, 2005.

Mr. Darby reported to the board the status of the Carilion bond financing which is scheduled for a public hearing before the IDA on October 5, 2005. The board members were polled to insure that a quorum will be available and present at that meeting.

Mr. Darby circulated a discussion draft of the IDA's audit for the fiscal years ended June 30, 2004 and June 30, 2005.

Mr. Townsend reported on progress on four points raised by the auditors, the first point having to do with interpretation of the phrase "principal façade" and the second part dealing with specific concerns raised by the auditor on documentation of specific Façade Grants funded in the past. Mr. Townsend was instructed by the Board to prepare a letter responding to the auditor's four points.

On motion by Mr. Revercomb and seconded by Mr. Hancock, the Authority, by a 5-0 vote, determined that Façade Grants in the future will be the lesser of a) the amount specifically approved in the Authority's minutes or b) one-third (1/3) of the invoices submitted in conformance with the City of Roanoke Façade Grant Regulations; and, in addition, that when a check is presented to the Chairman and Treasurer for signature, it will have attached a checklist indicating, among other things, that the

invoices have been reviewed and approved and support the amount of the grant; that the work on the façade has been viewed by the City representative; that photos have been taken; and, that the check amount is consistent with the IDA's minutes (indicating the date of the IDA meeting at which the Façade Grant was approved).

The Chairman of the IDA was authorized by the Board to sign and deliver the Auditor's Engagement Letter and the Management Representations letter which had previously been reviewed and approved by counsel, copies of which are attached to these minutes.

The directors then reviewed the memorandum prepared by counsel dated July 18, 2005 as to revenues and expenses. The Board articulated a vision that it would take on a major role in economic development in the City. It determined that it can and must contribute to the overall economic development effort in Roanoke, working in conjunction with the City and with major corporate citizens such as Carilion Health System. The Directors noted that many if not all of the major Industrial and Economic Development Authorities across the state perform duties of this sort. It was particularly impressed with a report from Ms. McCoury, a former Suffolk City IDA staff person, as to what that IDA has been able to accomplish in that community. On motion by Mr. Revercomb, seconded by Mr. Hunter, the Authority voted 5-0, 1) to increase the ceiling on its closing fee to \$30,000 and 2) to assess an annual administrative fee of 1/16th of 1% per year on all outstanding bonds. Mr. Darby was instructed to communicate promptly with Carilion Medical System and to report back to the Authority any concerns that may be raised by Carilion Medical System.

Mr. Hunter left the meeting at 8:45 a.m.

The Authority also determined at a later time (to be scheduled at the convenience of the members), to consider amendments to the Façade Grant regulations, including but not limited to, 1) that the Authority ask the City and/or the Commonwealth of Virginia for grants in excess of \$100,000 per year; 2) that the Authority consider a less-than-\$25,000 cap so as to be able to insure funding for smaller façade projects; 3) that the Authority define the term "façade" to include, possibly, corners and buildings with two fronts on public streets; 4) that the Authority reconsider the so-called "first come-first served" policy and another way to provide more equal and fair consideration of especially smaller projects; and, lastly, 5) that the Authority consider an administrative fee to be assessed for performance agreements.

There being no further business, Mr. Cronk adjourned the meeting at 9:20 a.m.

Attachments (3):

- 1) Financial Report 08-31-05
- 2) Auditor's Engagement Letter
- 3) Auditor's Management Representations Letter

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

October 5, 2005

Directors present: Dennis R. Cronk, Linda Davis Frith, F. Gordon Hancock, Stuart Revercomb and A. Damon Williams.

Directors absent: C. E. Hunter and S. Deborah Oyler.

Also present at the meeting were Robert Vaughan, Vice President, Carilion Health System, Brian Townsend, Acting Director, City of Roanoke Department of Economic Development, Chris Copenhaver, Economic Development Specialist, L. Elizabeth McCoury, Economic Development Administrator and Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority.

Chairman Dennis R. Cronk called the meeting to order at 8:00 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Mr. Revercomb, the Authority unanimously approved the minutes of the September 14, 2005 regular meeting.

On motion by Mr. Hancock and seconded by Mr. Revercomb, the Authority unanimously approved the minutes of the September 21, 2005 special meeting.

The Chairman declared that the Authority was holding a public hearing for the purpose of giving the general public an opportunity to comment on the proposed issuance by the Authority of not to exceed \$450,000,000 in Hospital Revenue Bonds to assist the Carilion Health System Obligated Group in financing and refunding certain bonds. No members of the public were in attendance, and the Chairman announced the conclusion of the public hearing.

On motion by Mr. Hancock, seconded by Mr. Revercomb, the Authority unanimously adopted the TEFRA resolution as presented and attached to these minutes.

On motion by Mr. Revercomb, seconded by Mr. Hancock, the Authority unanimously adopted a resolution authorizing an Escrow Deposit Agreement, as presented and attached to these minutes.

Mr. Darby reported to the board the status of the Carilion bond financing which is scheduled for closing in New York on November 9, 2005. The issue is currently sized at \$329,000,000, with approximately \$82,000,000 allocated to facilities outside the City of Roanoke, but could, depending on movement in the financial markets and other factors, be sized down to approximately \$279,000,000. The board members

were advised that another meeting of the IDA would need to be called later in the month to give final approval to the Carilion documentation.

The Chairman reiterated the Authority's policy of having members of the Board sign Authority documents whenever possible, even though non-member officers may from time to time be authorized to do so, and that whenever a non-member officer of the Authority executes and delivers an Authority document or takes any other action on behalf of the Authority, that officer take the responsibility for insuring that the Chairman or Vice-Chairman is made aware in advance of such action.

The Authority reviewed its previous action relative to closing and administrative fees. The administrative fee will apply to all outstanding bonds of the Authority and will be payable by the benefiting entity or entities jointly and severally. Such fees shall be memorialized in the Loan Agreement or other financing document entered into between the Authority and the benefiting entity or entities, may be proportioned for bonds issued during the year, and shall be payable in arrears on July 1 in each year, based on the report to the Authority by the benefiting entity or entities of the outstanding principal amount of bonds for the preceding year, subject to adjustment after the Authority's audit for such year is completed. Closing fees are payable at closing of Authority Bond issues.

After receiving a report from Mr. Copenhaver on the compliance with the application for a Façade Grant by Paul Richards for improvements to a facility at 202 Market Square (the "Application"), and on motion by Mr. Hancock, seconded by Mrs. Frith, the Authority approved on a 4-1 vote a Façade Grant for the Application in the amount of \$25,000.

On motion by Mr. Hancock, seconded by Mr. Williams, the Authority unanimously deferred consideration of the application for a Façade Grant by Rob Glenn for improvements to a facility at 111 West Campbell (the "Application"), until the Authority could review the design of the garage doors and other information relative to the Application.

After receiving a report from Mr. Copenhaver on the compliance with the application for a Façade Grant, on motion by Mr. Hancock, seconded by Mr. Revercomb, the Authority unanimously approved the application for a Façade Grant by Effie Moore for improvements to a facility at 2401 Plantation Road (the "Application"), in the amount of \$3,804.

The Authority deferred consideration of a façade Grant for William Boylan for improvements to 1019 Campbell Avenue until his application is completed.

After receiving a report from Mr. Copenhaver on the compliance with the application for a Façade Grant, and subject to the grant relating to only one façade of the building, on motion by Mr. Hancock, seconded by Mr. Revercomb, the Authority

approved on a 5-0 vote the application for a Façade Grant by Gayle and Hunter Merrill for improvements to a facility at 501 Shenandoah Avenue (the "Application"), not to exceed \$1,166.67.

There being no further business, Mr. Cronk adjourned the meeting at 9:15 a.m.

Attachments (2):

- 1) TEFRA Resolution
- 2) Escrow Deposit Resolution

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

November 16, 2005

Directors present: Dennis R. Cronk, Linda Davis Frith, F. Gordon Hancock, C. E. Hunter, S. Deborah Oyler, Stuart Revercomb and A. Damon Williams.

Also present at the meeting were Robert Vaughan, Vice President-Finance, Carilion Health System, David Hagadorn, Treasury Advisor, Carilion Health System, L. Elizabeth McCoury, Economic Development Administrator, Jeff Sturgeon, reporter for the Roanoke Times, Harwell M. Darby, Jr., Assistant , Secretary and Counsel to the Authority and Chris Copenhaver, Economic Development Specialist.

Chairman Dennis R. Cronk called the meeting to order at 8:00 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Mr. Hunter, the Authority unanimously approved the minutes of the October 5, 2005 regular meeting.

On motion by Mr. Hunter and seconded by Mr. Williams, the Authority accepted the financial report dated as of October 31, 2005.

Mr. Darby reported to the Board the status of the Carilion bond financing which is scheduled for closing in New York on December 14, 2005. The issue is currently sized at approximately \$305,000,000 with approximately \$80,500,000 allocated to facilities outside the City of Roanoke.

On motion by Mr. Hancock, seconded by Mr. Hunter, the Authority unanimously adopted the Series Resolution for Carilion Health System as presented and attached to these minutes.

After receiving a report from Mr. Copenhaver on the compliance with the application for three Façade Grants that had been funded in amounts greater than formally approved by the Authority, the Board, on motion by Mr. Hunter and seconded by Mr. Williams, unanimously ratified the funding of Façade Grants to Mexicorp in the amount of \$25,000, to Advanced Metal Finishing in the amount of \$24, 641 and to Angell Associates in the amount of \$19,074, as shown on the attached table.

On motion by Mr. Revercomb and seconded by Mr. Williams, the Authority authorized the reimbursement of the reasonable expenses of directors choosing to attend the Virginia Industrial Development Authority's Institute, December 6-7, 2005 in Williamsburg.

On motion by Mr. Hunter, seconded by Mr. Hancock, the Authority on a 5-2 vote amended its administrative fee policy to apply the administrative fee only to those bonds directly related to facilities located within the City of Roanoke or the refunding of such bonds.

There being no further business, Mr. Cronk adjourned the meeting at 9:15 a.m.

Attachments (3):

- 1) Financial report as of October 31, 2005
- 2) Carilion Series Resolution
- 3) Façade Grants ratified

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

December 8, 2005

Directors present: Dennis R. Cronk, Linda Davis Frith, F. Gordon Hancock, C. E. Hunter, S. Deborah Oyler, and A. Damon Williams.

Absent: Stuart Revercomb

Also present at the meeting were Robert Vaughan, Vice President-Finance, Carilion Health System, L. Elizabeth McCoury, Economic Development Administrator, Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority and Chris Copenhaver, Economic Development Specialist.

Chairman Dennis R. Cronk called the meeting to order at 8:00 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Ms. Oyler, the Authority unanimously approved the minutes of the November 16, 2005 regular meeting.

On motion by Mr. Hancock, seconded by Mr. Williams, the Authority unanimously adopted the Amended Series Resolution for Carilion Health System as presented and attached to these minutes.

On motion by Mr. Hancock, seconded by Mr. Williams, the Authority unanimously adopted a Resolution approving a Performance Agreement with Faison-Southern Lane, LLC, for an economic development grant for a commercial development in the City of Roanoke, as presented and attached to these minutes.

There being no further business, Mr. Cronk adjourned the meeting at 8:30 a.m.

Attachments (2):

- 1) Carilion Amended Series Resolution
- 2) Performance Agreement Resolution

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

February 8, 2006

Directors present: Dennis R. Cronk, Linda Davis Frith, F. Gordon Hancock, S. Deborah Oyler, Stuart Revercomb and A. Damon Williams.

Absent: C. E. Hunter

Also present at the meeting were R. Brian Townsend, City of Roanoke Director of Planning, Building and Economic Development, Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority, Stuart Mease, City of Roanoke Special Projects Coordinator and Chris Copenhaver, City of Roanoke Economic Development Specialist.

Chairman Dennis R. Cronk called the meeting to order at 8:05 a.m. and declared that a quorum was present.

On motion by Mr. Hancock and seconded by Mr. Williams, the Authority unanimously approved the minutes of the December 8, 2005 regular meeting.

On motion by Mr. Hancock and seconded by Ms. Oyler, the Authority unanimously approved the financial report dated as of December 31, 2005, a copy of which is attached to these minutes. Mr. Cronk reported an expenditure for attorney's fees for the period July 1 through December 31, 2005, in the amount of \$7,582.43. The Board asked counsel to the Authority to review the bylaw provision limiting expenditures to permit payment of ordinary operating expenditures within reasonable limits and to circulate his suggested language to the Board for approval at the March meeting.

Mr. Townsend introduced Stuart Mease, City of Roanoke Special Projects Coordinator, who gave a short report on his task of identifying professional jobs to the 40,000 university students in the NewVa area.

The Chairman reported on plans for the IDA retreat and the annual meeting.

On motion by Mr. Hancock, seconded by Ms. Frith, the Authority voted 6-0 to approve a Façade Grant for 102 West Campbell LLC in the amount of the greater of \$25,000 or one third of the costs of improving the façade to the building at 111 West Campbell Avenue in the approximate amount of \$25,000.00, with the requirement that the Economic Development Specialist review the documentation supporting each expenditure to insure compliance with the Façade Grant Guidelines and report back the final amount to the Board as soon as the project is completed.

On motion by Mr. Revercomb, seconded by Mr. Hancock, the Authority voted 5-1 to approve a Façade Grant for Aaron's Jax-Orlando, LLC in the amount one third of the costs of improving the façade to the building at 3308 Williamson Road in the approximate amount of \$12,446.67, with the requirement that the Economic Development Specialist review the documentation supporting each expenditure to insure compliance with the Façade Grant Guidelines and report back the final amount to the Board as soon as the project is completed.

Mr. Townsend reported to the Board on several economic development initiatives.

There being no further business, Mr. Cronk adjourned the meeting at 9:05 a.m.

Attachment (1):

- 1) Financial Report as of December 31, 2006.

MINUTES of a SPECIAL MEETING JOINT
MEETING OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY
AND
THE CITY COUNCIL
of the CITY OF ROANOKE, VIRGINIA

Room 156 Roanoke City Administration Building

12:00 noon
April 3, 2006

Directors present: Dennis R. Cronk, Linda Davis Frith, F. Gordon Hancock, C. E. Hunter, Stuart Revercomb and A. Damon Williams.

Absent: S. Deborah Oyler

Also present at the meeting were the Mayor and members of the City Council of the City of Roanoke, Virginia: the Honorable C. Nelson Harris (arrived late), Mayor, the Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor; M. Rupert Cutler; Alfred T. Dowe, Jr.; Sherman P. Lea; Brenda L. McDaniel; Brian J. Wishneff; Darlene L. Burcham, City of Roanoke, City Manager, William M. Hackworth, City of Roanoke, City Attorney, R. Brian Townsend, City of Roanoke Director of Planning, Building and Economic Development; Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority; Stuart Mease, City of Roanoke, Special Projects Coordinator and Chris Copenhaver, City of Roanoke, Economic Development Specialist.

After a roll call, Chairman Dennis R. Cronk called the meeting to order at 12:00 p.m. and declared that a quorum was present.

Chairman Dennis R. Cronk made several remarks constituting a report of the recent activities of the Industrial Development Authority. The Directors answered several questions and discussed several matters with the members of City Council.

There being no further business, Mr. Cronk adjourned the meeting at 12:54 p.m..

Attachments (2):

- (1) Mr. Cronk's remarks
- (2) Excerpt from City Council minutes

MINUTES of a REGULAR MEETING
INDUSTRIAL DEVELOPMENT AUTHORITY
of the CITY OF ROANOKE, VIRGINIA

June 14, 2006

Directors present: Dennis R. Cronk, Linda Davis Frith, S. Deborah Oyler, Stuart Revercomb (arrived during discussion on Enterprise Zone Two Amendment) and A. Damon Williams.

Absent: C. E. Hunter, F. Gordon Hancock.

Also present at the meeting were R. Brian Townsend, City of Roanoke Director of Planning, Building and Economic Development, Harwell M. Darby, Jr., Assistant Secretary and Counsel to the Authority, Chris Copenhaver, City of Roanoke Economic Development Specialist, Linda Bass, City of Roanoke Economic Development Specialist, Peter Clapsaddle, Project Manager representing Metropolitan Properties, LLC and Don Peterson, Owner, Metropolitan Properties, LLC.

Chairman Dennis R. Cronk called the meeting to order at 8:00 a.m. and declared that a quorum was present.

On motion by Ms. Oyler and seconded by Mr. Williams, the Authority unanimously approved the minutes of the February 8, 2006 regular meeting.

On motion by Ms. Oyler and seconded by Mr. Williams, the Authority unanimously approved the minutes of the April 3, 2006 special joint meeting with the Roanoke City Council.

On motion by Mr. Williams and seconded by Ms. Frith, the Authority unanimously approved the financial report dated as of May 31, 2006, a copy of which is attached to these minutes.

On motion by Mr. Williams, seconded by Ms. Frith and adopted by a 5-0 vote, the Authority granted extensions to Musselwhite, LLC to October 1, 2006; to Lofts on Church, LLC to November 1, 2006 and to the Roanoke Higher Education Center (Culinary School) to December 31, 2006 for completion of their construction in order to complete their façade grant application.

Mr. Townsend presented two possible amendments to the City's Enterprise Zone Policy. On motion by Ms. Frith and Seconded by Mr. Williams, the Authority voted to submit the single side definition to the City's policy as follows:

Single side – “The City will provide funds to the Industrial Development Authority of the City of Roanoke, Virginia (IDA) to enhance economic development in Enterprise Zone One A by providing façade grants of one third of any building façade renovation costs for a façade in need of renovation to visually improve the primary building façade (the portion of any exterior elevation which faces or abuts a public right-of-way and contains the principal entrance to the building or is immediately adjacent thereto of a building within Enterprise Zone One A up to a maximum of Twenty-five Thousand Dollars (\$25,000) per grant ...”

Mr. Townsend also gave information on additional Enterprise Zone One A policy changes relating to fire suppression, retrofit grants and revision of the Enterprise Zone Map to remove certain residential areas and add certain commercial areas.

On motion by Mr. Williams and seconded by Ms. Frith the Authority voted 5-0 adding parking lot and landscaping grants to the City’s Enterprise Zone Two policy as follows:

“Businesses with a building at least 15 years old at date of application, with a gravel lot void of landscaping and contributing storm water runoff to a city-owned detention pond, must submit paving/landscaping plans to the IDA for approval prior to commencing the project. Plans must conform with the existing zoning ordinance, and show the area to be paved, along with a list of trees and plants. Projects would be reviewed on a first-come, first-serve basis. Applicants, once approved, would be given six (6) months to complete the work and submit receipts for all expenses. A minimum of \$50,000 would be available each fiscal year and each project would receive one third of its actual demonstrated costs up to a maximum of \$25,000.”

Mr. Townsend also report to the Authority on other information items relating to the amendments to the City’s Enterprise Zone Two policy.

On motion by Ms. Frith, seconded by Mr. Williams, the Authority voted 5-0 to approve a Façade Grant for Metropolitan Properties LLC in the amount of the greater of \$25,000 or one third of the costs of improving the façade to the building at 210-214 Market Street SE in the approximate amount of \$25,000.00, contingent on approval by the Architectural Review Board and re-characterization or reallocation of all of the cost items to the north façade and the principal entrance (principal entrance being a “significant historical attachment that would contribute to the building or the appearance if restored” under the current definition in the City’s facade grant policy) and with the requirement that the Economic Development Specialist review the documentation supporting each expenditure to insure compliance with the Façade

Grant Guidelines and report back the final amount to the Board as soon as the project is completed.

On motion by Mr. Revercomb, seconded by Ms. Oyler, the Authority voted 5-0 to approve a Façade Grant for Factory 324, LLC in the amount one third of the costs of improving the façade to the building at 324 Salem Avenue in the approximate amount of \$25,000, with the requirement that the Economic Development Specialist review the documentation supporting each expenditure to insure compliance with the Façade Grant Guidelines and report back the final amount to the Board as soon as the project is completed.

On motion by Ms. Oyler, seconded by Ms. Frith, the Authority voted 5-0 to approve a Façade Grant for Beulah Investments LLC in the amount of one third of the costs of improving the façade to the building at 310 2nd Street S.W. in the amount of \$13,186.00, with the requirement that the Economic Development Specialist review the documentation supporting each expenditure to insure compliance with the Façade Grant Guidelines and report back the final amount to the Board as soon as the project is completed.

On motion by Mr. Williams, seconded by Ms. Frith, the Authority voted 5-0 to approve a Façade Grant for Wetz Big Lick, LLC in the amount one third of the costs of \$70,993 of improving the façade to the building at 110 Campbell Avenue in the amount of \$23,310, with the requirement that the Economic Development Specialist review the documentation supporting each expenditure to insure compliance with the Façade Grant Guidelines and report back the final amount to the Board as soon as the project is completed.

An application approve a Façade Grant from Southeast Rural Community Assistance Project, Inc. for 347 Campbell Avenue, S.W. was tabled by the Authority as the application had not been completed.

On motion by Mr. Williams, seconded by Mr. Revercomb, the Authority voted 5-0 to adopt a resolution approving a Performance Agreement between the City of Roanoke, Virginia and Valley View Mall, LLC whereby the Authority will serve as a conduit for grant funds awarded by the City. A certified copy of the resolution is attached hereto as Attachment # 2.

On motion of Ms. Frith seconded by Ms. Oyler, the Authority voted 5-0 to adopt a resolution approving a Performance Agreement between the City of Roanoke, Virginia and United HealthCare Services, Inc. whereby the Authority will serve as a conduit for grant funds awarded by the City. A certified copy of the resolution is attached hereto as Attachment # 3.

There being no further business, Mr. Cronk adjourned the meeting at 9:35 a.m.

Attachments (3):

- 1) Financial Report as of May 31, 2006.
- 2) Resolution approving the Performance Agreement with Valley View Mall, LLC.
- 3) Resolution approving the Performance Agreement with United HealthCare Services, Inc.



HOUSING AND NEIGHBORHOOD SERVICES

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 162
Roanoke, Virginia 24011
540.853.2344 fax 540.853.6597

5. a.

August 21, 2006

The Honorable C. Nelson Harris, Mayor
The Honorable David B. Trinkle, Vice-Mayor
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Sherman P. Lea, Council Member
The Honorable Gwen W. Mason, Council Member
The Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Please accept this request for time on City Council's agenda to present the annual report of the Fair Housing Board for 2005-2006. The report will be presented by the Fair Housing Board Chairperson, Nancy Canova.

Sincerely,

Angie Williamson, Staff to Fair Housing Board
Housing Development Specialist

City of Roanoke Fair Housing Board
2005-2006 Annual Report

The Fair Housing Board is pleased to report its activities during the past year. First, the Board will report on the three issues raised by Council in response to its 2004-2005 annual report.

The first issue involved Council's request for the Fair Housing Board to seek a meeting with the President and Publisher of *The Roanoke Times* to determine the policy of the newspaper on the display of the Equal Housing Opportunity and Equal Lending Opportunity logos in advertisements published in the newspaper. The Board met with the President, the Director of Advertising and Advertising Manager and established a working relationship to increase awareness of fair housing. *The Roanoke Times* has agreed to ask all persons placing housing-related ads if they wish to have a fair housing logo in their ad. *The Roanoke Times* has also agreed to inform callers of the Virginia Fair Housing website, and ask if they would like information sent to them. *The Roanoke Times* Advertising Manager requested fair housing training for the advertising staff. The Fair Housing Board made arrangements for the training of eighteen Roanoke Times advertising staff. *The Roanoke Times* staff have been responsive to the Fair Housing Board and continue to contact the Board regarding the legality of certain ads.

The second issue that Council asked to be informed of was the response by local radio/TV stations to broadcasting/televising fair housing public service announcements. The Fair Housing Board sent letters offering to provide the PSAs. If there was no response, an e mail was sent as follow up. Finally the Board made telephone contact with stations. Most stations asked to have the PSA materials. Since the TV PSAs prepared by the Ad Council expired on December 17, 2005, the Board dropped the issue with the two TV stations that had not responded by that time. Fortunately there is no expiration date on the radio PSAs. The Board believes that contact with the TV and radio stations generated interest in providing more detailed broadcast opportunities. In January all Clear Channel radio stations in Roanoke and Lynchburg, i.e., WROV, WYYD, WSNV, WSNZ, WGMN, WVGM, WJJS, WJXX, and WZBL, aired a 25-minute interview with the secretary of the Fair Housing Board. In March RVTV taped a five-minute segment which ran throughout the month of April. In April WDRL 24's "Our Voices" taped an half-hour show on fair housing.

The third issue that Council asked for was a status on the fair housing complaints pending at that time in the Federal Court system. The federal court case against the HUD worker was dismissed allowing the Justice Department to proceed. The Department of Housing and Urban Development (HUD) originally referred the three fair housing complaints (two tenants and NAACP) as one to the Justice Department where it remains today. The Justice Department has consistently declined to comment on the status of these matters. In May, the Fair Housing Board requested the City Attorney's office to seek the assistance of Representative Bob Goodlatte in determining the current status of the complaints. The City Attorney's office sent a letter to Representative Goodlatte requesting he look into the matter. Representative Goodlatte responded by letter dated July 18, 2006, that he would contact the City of Roanoke once he received a response from the Department of Justice. Representative Goodlatte's office has informed the City Attorney's office that it should receive a status report on this matter by August 31,

2006. The complaints in this case were filed in July 2004 and now, more than two years later, our citizens still have no resolution to their complaints. The Fair Housing Board had the opportunity to discuss its concerns about the HUD complaint process with Mr. Thomas Day, HUD Region III Fair Housing and Education Outreach Specialist. The Board identified several barriers to individuals filing complaints, including fear of retaliation and no immediate resolution. In addition, the Board expressed concern that it had no way to track complaints unless it was the filer of the complaint.

The Fair Housing Board continues to address the impediments identified in the 2001 study by HOME, Inc., Analysis of the Impediments to Fair Housing in Roanoke, Virginia. Of the forty-two (42) impediments listed in the study, twenty (20) had a recommended remedy of outreach and/or education. These issues fall within the responsibilities that Council has given the Fair Housing Board and are the focus of our activities.

The Fair Housing Board in cooperation with its community partners continues to collect data on alleged cases of housing discrimination in order to target its outreach and educational efforts. During 2005-2006 there were twenty-four (24) incidents reported. Five of those cases were filed. Two of those cases complained directly to the City and are demonstrative of the gamut of racial discrimination. One case involved an elderly white woman who indicated that she was being harassed because her daughter was dating an African-American. The second incident involved an African American lawyer, in town on a short-term stay, who contacted the Realtor-owner of a corporate apartment and made arrangements by phone to pick up the keys and drop off the deposit. However, when he arrived in person that same day, the apartment was no longer available. This individual called the City to say he was filing a complaint with HUD.

The Fair Housing Board has sponsored three training sessions this year. *"Are You Breaking the Law?"* targeted "hobby" landlords within the neighborhoods in the city's Rental Inspection Program. Forty (40) landlords, five (5) of whom were real estate agents, participated in this fair housing session which was co-sponsored by TAP. The Board chose this segment of the housing industry because they may not identify themselves as property managers and attend training required by Department of Professional & Occupational Regulation (DPOR). Mally Dryden Mason, the Consumer Education Coordinator and Fair Housing Specialist from DPOR conducted the training which provided certification for attendees. Dryden Mason also provided the training for The *Roanoke Times* ad staff previously mentioned in this report. The Board deemed the "hobby" landlord training to be highly successful, but time-consuming for staff. Even with TAP's help in mailing to the 1,620 non-repeating owners, city staff exceeded the sixteen hours per month dedicated to fair housing. The Board hopes that a way can be found to again offer this training to a population that often falls through the cracks.

"Fair Housing Compliance Made Simple" provided general fair housing training with additional emphasis on disability discrimination. Since sixteen of the cases reported to the Fair Housing Board last year and more than seventy-five percent (18) reported this year dealt with disability discrimination, the Board contracted with Michael Allen, Senior Staff Attorney at the Bazelon Center for Mental Health Law, to present a workshop for property managers, real estate agents and REALTORS. The City sought and was granted approval as a proprietary school in order that the twenty-five (25) attendees would be eligible to receive CE credits, post license education or Fair Housing certification for landlords/property managers/maintenance personnel. Michael Allen also made an

informal round table presentation to the community agencies and groups that assist the city in collecting fair housing data. He provided his expert advice on the accessibility issues, disability law issues, and other fair housing issues that these agencies had encountered.

As part of the Board's outreach efforts and in celebration of Fair Housing month this past April, the Board sponsored a Housing Fair at Valley View Mall. The exhibitors provided the general public with information on the Fair Housing Law and how to file a complaint. Information was provided by NAACP, RRHA, TAP, Blue Ridge Independent Living Center, Legal Aid, HUD, State Fair Housing Office, and the City's Fair Housing Board. Also in April, the Board sponsored a Fair Housing poster contest with Roanoke City schools. The 5th and 6th grade students were asked to draw posters reflecting the information provided about the Fair Housing law and housing discrimination. The first, second and third place winning posters were used as advertisements on the city buses. The first place poster was displayed on the back outside of the bus. The second and third place posters were displayed on the inside of the buses. This mobile advertising will reach more people than renting a billboard, and is less expensive for a whole month than, a one day ad in the local paper. The ads ran on or in fourteen (14) buses for three months. TAP joined the Board in the project by sponsoring billboard space for the first place poster. In addition to the Fair Housing Fair, Fair Housing information and materials were available and distributed at the annual Citizens Appreciation Day, and the first annual Homebuyers Fair. City staff also includes a Fair Housing booklet in all mailings to persons calling Housing and Neighborhood Services requesting literature on how to buy a home.

The Board has received and read the National Fair Housing Alliance's (NFHA) recently published "2006 Fair Housing Trends Report", which details their findings of "continuing discriminatory housing practices by real estate agents, including denial of service, steering, illegal comments and the use of schools as a proxy for the racial compositions of neighborhoods". In light of the steering of home buyers away from the city to the county, as reported to Council by the Board in its annual report last year, and concerns expressed by Council in the past about steering away from city schools, the Board has sent a letter to the REALTORS Association asking to establish a dialogue on this local, as well as national, problem.

Total Action against Poverty (TAP) received a HUD Fair Housing grant in January 2006. They have a full-time staff person with responsibility for the 5th Planning District. The Fair Housing Board and TAP have already cooperated on several activities and plan to continue doing so in the future. This relationship compliments the work of the Fair Housing Board and expands its limited ability to raise awareness about fair housing in the Roanoke area.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: www.roanokeva.gov

August 21, 2006

The Honorable Mayor and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Nancy Canova, Chairperson of the Fair Housing Board, to present the annual report of the Fair Housing Board for 2005 - 2006.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burdham".

Darlene L. Burdham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

COMMONWEALTH OF VIRGINIA



DONALD S. CALDWELL
COMMONWEALTH'S ATTORNEY

AREA CODE 540 TEL. NO. 853-2626
FAX 853-1201

CITY OF ROANOKE
OFFICE OF THE COMMONWEALTH'S ATTORNEY
315 CHURCH AVENUE
ROANOKE, VIRGINIA 24016

August 14, 2006

Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, Virginia

Subject: Cost Collections Unit

Dear Mayor Harris and Members of City Council:

Please reserve approximately ten minutes at the August 21, 2006 Council Meeting for the Commonwealth's Attorney to do a short presentation of the Cost Collection Department's results for the 2005-2006 Fiscal Year.

Thank you for your assistance with this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald S. Caldwell', written over a series of horizontal lines.

Donald S. Caldwell
Commonwealth's Attorney

DSC/rpm



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

August 21, 2006

The Honorable Mayor and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Donald S. Caldwell, Commonwealth's Attorney, to present cost collection results for fiscal year 2005-2006.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

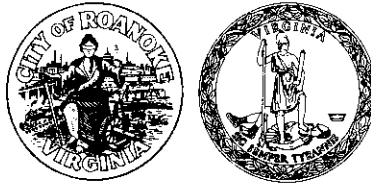
DLB:jb

c: City Attorney
Director of Finance
City Clerk

OFFICE OF CLERK OF CIRCUIT COURT

**TWENTY-THIRD JUDICIAL CIRCUIT
OF VIRGINIA**

Criminal: (540) 853-6723
Civil: (540) 853-6702



**CIRCUIT COURT
OF THE CITY OF ROANOKE**

315 Church Avenue, S.W.
P.O. Box 2610
Roanoke, Virginia 24010

**BRENDA S. HAMILTON
CLERK**

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable, Beverly T. Fitzpatrick, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable, Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Technology Upgrades and
Scanning Project

Background:

The Clerk of Circuit Court is responsible by statute, for the recordation of legal instruments. These instruments include: Land records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders. These records must be maintained and be available to the Public.

The Clerk of the Circuit Court intends to replace eight (8) microfilm reader/printers currently being used by both the general public and staff. These units are in excess of twenty (20) years old. They are no longer reliable and are constantly breaking down, causing unacceptable delays in obtaining information and providing copies. These units provide the only access to land records, wills, marriage licenses, court orders etc. from the years 1884-1991 or later in some cases. The ability to access these records for inspection and copying is of the highest priority.

Each reader/printer has a debit card reader attached. This debit card system insures that all copies made from these units are paid for. Copy fees are an important revenue source for the Circuit Court Clerk's Office. The current debit system is also over twenty (20) years old and can no longer be supported by the vendor. The encoder unit has ceased to function and cannot be repaired.

The cost for replacing the reader/printers and installing a new debit system is estimated at \$100000.

The Clerk of Circuit Court is also undertaking a major upgrade in equipment used to access its Case Management System provided by the Supreme Court of Virginia. Seven (7) new pc units, three (3) new complete work stations, three (3) printers and one (1) new complete view station are scheduled to be installed this fall. The cost for these upgrades is \$8,579.

The Clerk of Circuit Court is prepared to begin a back scanning project involving the Judgments recorded in the Clerk's Office. Initial funding for this project has been previously approved by City Council. To complete this important project, additional funds are needed.

The required additional funding is estimated at \$13,000.00.

It is important to note that the cost of all of these projects will be reimbursed through funds made available by the Technology Trust Fund of the Commonwealth of Virginia Compensation Board

Considerations:

The Circuit Court Clerk's Office is mandated by the Code of Virginia to provide access to the various records under its care, for inspection and copying. The approval of all these projects is imperative for the Clerk's Office to meet its required objectives. Funding is available through the State Compensation Board.

Recommended Action:

Accept funding from Compensation Board Technology Trust Fund in the amount of \$ 121,579.

Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$121,579, and appropriate funding in the same amount to an expenditure account to be established by the Director of Finance in the Grant Fund.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda S. Hamilton". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Brenda S. Hamilton,
Clerk of Circuit Court

BSH:csf

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member


Dear Mayor Harris and Members of City Council:

Subject: Technology Upgrades and
Scanning Project CO06-0005

I concur with the recommendation from Brenda S. Hamilton, Clerk of Circuit Court for the City of Roanoke, with respect to the subject reference above and recommend that City Council accept funding from Compensation Board Technology Trust Fund in the amount of \$121,579.

I also recommend that City Council adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$121,579 and appropriate funding in the same amount to an expenditure account to be established by the Director of Finance in the Grant Fund.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:jb

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth of Virginia through the Compensation Board Technology Trust Fund for the technology upgrades and scanning project in the Office of Circuit Court Clerk, amending and reordaining certain sections of the 2006-2007 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Furniture and Equipment >\$5,000	35-120-5152-9005	\$ 121,579
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Revenues

Comp Board Tech Trust Fund FY07	35-120-5152-5152	121,579
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Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Subject: Acceptance of Green Machine
Sidewalk Sweeper for use in
cleaning the Central Business
District

Dear Mayor Harris and Members of City Council:

Background:

On November 30, 2000, Downtown Roanoke, Inc. (DRI), and the City of Roanoke entered into an agreement wherein DRI purchased a "Green Machine" sidewalk sweeper for use by the City in cleaning sidewalks downtown. The sweeper, known as "Big Lick," has been in use since that time and has been effective in improving the cleanliness of the downtown. The City has been responsible for the operation, maintenance, repair and supplies for the machine. In June 2006, DRI wrote a letter of thanks and appreciation for the operation of this equipment and the positive impact that its use has had on downtown. Downtown Roanoke, Inc. also expressed an interest in donating this machine to the City.

Considerations:

In accordance with City Code Section 2-263, acceptance of this equipment requires Council action as the equipment is valued at more than \$5,000. Maintenance of the equipment has been and will remain the responsibility of the City; thus, no additional maintenance costs will be incurred.

Recommended Action:

Adopt the accompanying resolution authorizing the City Manager, on behalf of the City, to accept the Green Machine sidewalk sweeper from DRI, and thanking DRI for its donation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene Burgham". The signature is fluid and cursive, with the first name "Darlene" written in a larger, more prominent script than the last name "Burgham".

Darlene L. Burgham
City Manager

DLB: SLT: gpe

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management & Budget
Robert K. Bengston, P.E., Director of Public Works
Mark D. Jamison, P.E., Transportation Division Manager

CM06-00146

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a gift of a Green Machine sidewalk sweeper from Downtown Roanoke, Inc.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The gift of a Green Machine sidewalk sweeper from Downtown Roanoke, Inc. ("DRI"), as set forth in the City Manager's letter dated August 21, 2006, to this Council is hereby ACCEPTED, and by this resolution, City Council expresses its appreciation to DRI for the gift.

2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of the gift, such documents to be approved as to form by the City Attorney, and to furnish such additional information as may be required in connection with the City's acceptance of the gift.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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215 Church Avenue, S.W., Room 364
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City Web: www.roanokeva.gov

August 21, 2006

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Solid Waste Code
Amendments CM06-00153

This is to request space on Council's regular agenda for a report on the
above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:jb

c: City Attorney
City Clerk
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §14.1-1, Definitions, §14.1-3, Littering, §14.1-15, General container requirements, §14.1-16, Placement for collection generally, §14.1-17, Placement of brush, bulk brush and lawn rakings for collection, §14.1-18, Time of placement of individual refuse containers and recyclable containers for collection, §14.1-19, Collection in central business district, §14.1-21, Certain solid waste not to be collected – Generally, §14.1-22, Same – Brush, and §14.1-23, Placement and collection of bulk items and brush, §14.1-24, Violation – civil penalty, §14.1-54, General Prohibition, and §14.1-55, Notice to Remove, and repealing §14.1-4, When bulk containers required, and §14.1-44, Rate regulation; submission of rate schedules, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, for the purpose of updating and clarifying the City's solid waste ordinance; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 14.1-1, Definitions, and §14.1-3, Littering, of Article I, In general, of Chapter 14.1, Solid Waste Management, of the code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

Section 14.1-1. Definitions.

Authorized person shall mean any city employee, any person employed by the city on a temporary basis, or any person designated by the city, to remove solid waste, or any person employed to provide solid waste collection service.

(a) *Automated collection container shall mean a container designated by the city manager which shall be used for automated and semi-automated collection service.*

Automated collection service shall mean collection from a street (not an

alley) by the city of automated collection container(s) provided by the city, in which all handling is fully automated, requiring no direct physical contact with the container by the collection worker.

~~(b) Authorized person shall mean any city employee, any person employed by the city on a temporary basis, or any person designated by the city, to remove solid waste, or any person licensed by the city to provide bulk container collection service.~~

(e) *Brush shall mean woody or leafy yard debris resulting from ordinary yard maintenance such as tree, shrub or bush trimmings less than three (3) inches in diameter and less than four (4) feet in length.*

~~(d) Bulk container shall mean either a front-loading bulk container or a rear-loading bulk container for the disposal of refuse.~~

(e) *Bulk items shall mean non-metal bulk items and metal bulk items any large item not placed within an automated collection container or individual refuse container, including but not limited to, a major household appliance, large rug, mattress, bed springs, or furniture. Bulk item shall also include a plastic garbage bag of at least 13-gallon capacity which must be secured against spillage.*

~~(f)~~ *Central business district shall mean that area bounded on the north by the Norfolk and Western Railroad tracks; on the east by Third Street, S.E.; on the south by Elm Avenue, S.E. from Third Street, S.E. to Jefferson Street, by Day Avenue, S.W., from Jefferson Street, to Franklin Road, S.W., and by Marshall Avenue, S.W., from Franklin Road, S.W., to Fifth Street, S.W.; and on the west by Fifth Street, S.W., and shall include all properties fronting on any of the aforementioned streets.*

~~(g) Front-loading bulk container shall mean a metal container constructed so that it may be mechanically lifted onto a front-loading collection vehicle. The unit, except units in service on the date of adoption hereof, shall have sliding doors on both sides and a hinged door on the top.~~

~~(h)~~ *Hazardous waste shall mean a "hazardous waste" as defined in section 10.1-1400 of the code of Virginia (1950), as amended.*

~~(i) Individual refuse container shall mean either any plastic or polyethylene bag, the walls of which are at least two (2) mils in thickness, or any watertight receptacle, with handles, which is made of any container made of substantial plastic, or galvanized metal, or other material acceptable to the city manager, acceptable material, and which has not less than eight (8) nor more than thirty five (35) gallons of capacity. containing not more than sixty (60) pounds of refuse or recyclables, and intended to be emptied of refuse or recyclables and returned to its place of collection.~~

(j) *Lawn rakings shall mean debris consisting primarily of leaves hedge trimmings and grass clippings, but not brush or loose leaves. containing no*

~~branches. Lawn rakings which contain branches shall constitute brush.~~

Leaf season shall mean the period of time from November 1 until December 31 of any calendar year.

Loose leaves shall mean debris consisting primarily of leaves resulting from ordinary yard maintenance.

~~(k) Metal bulk item shall mean a major household appliance which is predominantly metal, such as a refrigerator, washer, dryer, stove, water heater, air-conditioner or any other appliance containing a refrigerant.~~

Non-collectable item shall mean any item that will not be collected by the city for disposal, unless otherwise authorized by the city manager.

~~(l) Non-metal bulk item shall mean a large rug, carpet, carpet padding, mattress, or bed springs, large household furniture, or anything else which is not predominantly metal or does not contain a refrigerant~~

~~(m)~~ *Occupant shall mean any person over the age of eighteen (18) years occupying or residing on any lot or parcel of land in the city and having, at the time, apparent possession or control thereof.*

~~(n)~~ *Owner shall mean any person who, alone, or jointly or severally with others, has:*

(1) Legal title to any lot or parcel of land in the city; or

(2) Charge, care or control of any lot or parcel of land in the city, as agent or representative of the owner, or as personal representative, trustee or guardian of the estate of the owner, but who is not a tenant.

Parcel means any real estate identified by a city of Roanoke official tax number and includes the adjoining public right-of-way which is between the property line of the real estate which is identified by a city of Roanoke official tax number and the curb or the improved portion of a street. Such term shall not include any real estate lying in an RA, Residential-Agricultural District, as defined elsewhere in this code.

~~(o)~~ *Physically challenged service shall mean specialized collection of refuse or recyclables generated by all persons residing in a dwelling unit, at no charge, from a point of collection approved by the city manager, but which is not curbside or alley side, such service to be provided due to the physical difficulty or inability of all adult occupants in the dwelling unit to transport refuse and recyclables to the curbside or alley.*

~~(p)~~ Private property service shall mean collection of refuse or recyclables which requires a motor vehicle entering upon private property, such as by a driveway or road.

~~(q)~~ Rear-loading bulk container shall mean a container which is constructed so that it may be mechanically lifted onto a rear-loading collection vehicle. The unit shall have top-loading doors and a one and one-half (1-1/2) inch drain pipe and casters. The gross weight of a rear-loading bulk container with solid waste shall not exceed four thousand (4,000) pounds.

~~(r)~~ Recyclables shall mean those items identified in regulations promulgated by the city manager as recyclable and acceptable to the city for recycling.

~~(s)~~ Recycling container shall mean a cart or bin which is provided by or through the city or is otherwise approved by the city manager. ~~In no case shall~~ A recycling container shall not be larger than thirty-two (32) gallons, unless authorized by the city manager.

~~(t)~~ Refuse shall mean any and all litter, rubbish, garbage, trash, debris or other offensive or unwholesome substance or materials of any nature whatsoever that is generated at the premises from which it is being collected.

~~(u)~~ Roll-off container shall mean a container which is constructed so that it may be mechanically lifted onto a motor vehicle for transportation and disposal of the container's contents.

Sealed compactor shall mean equipment designed to receive and compact refuse, prevent leakage of liquid wastes, and to minimize offensive odors.

Semi-automated collection service shall mean collection from an alley or street by the city of automated collection container(s) provided by the city or of individual refuse container(s) in which some handling by the collection worker is required but such worker is assisted by mechanical equipment.

~~(v)~~ Solid waste shall mean refuse, brush, lawn rakings, loose leaves, recyclables and bulk items.

Transfer station shall mean the Tinker Creek transfer station located on Hollins Road, N.E., in the city.

Section 14.1-3. Littering.

* * *

(f) The above subsections notwithstanding, the city manager may

order, in writing, the owner or occupant of any property to remove solid waste found lying or located on the city right-of-way placed there by such person in violation of any provision of this chapter. The order shall be personally served on such owner or occupant by the city manager, who shall note the time, place and manner of such service on a duplicate copy of the notice to be retained by the city manager. In lieu of such personal service, such notice may be *posted on the owner's property in a conspicuous location and a copy of such notice sent through the United States Postal Service by certified mail postage prepaid, return receipt requested*, addressed to such owner or occupant at his or her last-known address as set forth in the city's real estate valuation records. The notice shall state the time within which the action or work ordered to be done must be completed, and such time shall not be less than twenty-four (24) hours before such responsible owner or occupant shall have received notice of the work ordered to be done. Any owner or occupant receiving such notice shall immediately proceed to remove such solid waste *and provide proof of proper disposal acceptable to the city manager, such as a disposal receipt from the transfer station.*

* * *

2. Section 14.1-4 of Article I, In general, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, is hereby repealed.

Section 14.1-4, When bulk containers required.

~~(a) Except in the central business district, any business, commercial establishment, institution, apartment building or multifamily dwelling complex which is eligible to receive automated refuse collection and which, during any consecutive four week period, has at any location, an average of eleven (11) or more individual refuse containers which are not automated collection containers and are approximately one third (1/3) the size of an automated collection container, per week, shall be required to have a front loading bulk container, unless the city manager determines that bulk container collection is inappropriate because of inaccessibility to collection vehicles or space limitations of the premises involved.~~

~~(b) Except in the central business district, any business, commercial establishment, institution, apartment building or multi-family dwelling complex which is eligible to receive automated refuse collection service and which, during any quarterly billing period, has at any location, an average of more than three (3) automated collection containers per week, not including recycling containers or other recyclables, shall be required to have a front loading bulk container, unless the city manager determines that bulk container collection is inappropriate because of inaccessibility to collection vehicles or space limitations of the premises involved.~~

3. Section 14.1-15, General container requirements, §14.1-16, Placement for collection generally, §14.1-17, Placement of brush, bulk brush and lawn rakings for collection, §14.1-18, Time of placement of individual refuse containers and recyclable containers for collection, §14.1-19, Collection in central business district, §14.1-21, Certain solid waste not to be collected – Generally, §14.1-22, Same – Brush, and §14.1-23, Placement and collection of bulk items and brush, and §14.1-24, Violation – civil penalty, of Division 1, Generally, of Article II, Collection by an Authorized Person, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

Section 14.1-15. General container requirements.

- (a) *Except in the central business district, any owner or occupant of any dwelling unit, business, commercial establishment, institution, or other location ~~except those for which a bulk container is required by division 2 of this article~~, who sets out any ~~solid waste, but not recyclables~~, refuse, including lawn rakings and loose leaves, for collection by the city shall place the same in an automated collection container, except as provided for in section 14.1-17 for loose leaves during leaf season and as provided for in section 14.1-17 23 of this article for bulk items.*
- (b) *Except in the central business district, any owner or occupant of any dwelling unit, business, commercial establishment, institution, or other location who sets out any recyclables for collection shall place such recyclables in a recycling container, or as otherwise provided. Only recyclables shall be placed in a recycling container.*
- (c) *No ~~individual refuse container or~~ recycling container, together with the ~~solid waste or~~ recyclables therein, shall exceed sixty (60) pounds in weight, except as otherwise authorized by the city manager. ~~except for automated collection containers.~~*
- (d) *An automated collection container shall not exceed the following weights when containing solid waste: ninety-six (96) gallon (two hundred (200) pounds), sixty-four (64) gallon (one hundred twenty-five (125) pounds), and thirty-two (32) gallons (one hundred (100) pounds). ~~Commercial establishments not using bulk containers shall use either individual refuse containers, or automated collection containers.~~*
- (e) *Except in the central business district, ~~Each residential address determined by the city manager to be eligible for dwelling unit receiving~~ automated collection*

service shall receive one (1) automated collection container at no charge. *The owner of a dwelling unit receiving automated collection service shall be responsible for the loss of the owner's automated collection container or the damage of the same due to the owner's negligence. Residential addresses at which six (6) or more persons permanently reside shall receive two (2) automated collection containers at no charge. Any such dwelling unit may be provided a second automated collection container, upon request by the owner of such unit, at a cost as set by city council in the fee compendium. as approved and amended by the city council.* In no case, except as provided in section 14.1-15(h), shall any residential address dwelling unit receive more than two (2) automated collection containers. *In the case of multiple dwelling units at no cost, and in no case shall any residential address identified by a single tax map number, no more than four (4) automated collection containers shall be allowed at such location. have more than two (2) automated collection containers. Those persons residing at an address eligible for, and receiving automated collection service shall be responsible for the loss of their automated collection container or the damage of the same due to their negligence.*

(f) *Except in the central business district, each business, commercial establishment, institution, or other non-residential location receiving automated collection service shall receive one (1) automated collection container at no charge. Any such location may be provided up to two (2) additional automated collection containers at a cost as set by city council in the fee compendium. In no case, except as provided in section 14.1-15(h), shall any such property identified by a single tax map number receive or have more than three (3) automated collection containers. The owner of a business, commercial establishment, institution or other non-residential location receiving automated collection service shall be responsible for the loss of the owner's automated collection container or the damage of the same due to the owner's negligence.*

(g) *Any automated collection container(s) provided free of charge by the city and assigned to a location must remain at that location, unless removed by the city.*

(h) *Except in the central business district or for the collection of recyclables, the city will not provide solid waste collection services for more than four (4) automated collection containers at any multiple dwelling unit residential location or for more than three (3) automated collection containers at any non-residential location, unless the city manager determines that commercial bulk container collection is impractical because of inaccessibility to collection vehicles or space limitations of the premises involved. In such circumstances, additional automated collection containers may be provided and serviced by the city as authorized by the city manager.*

Section 14.1-16. Placement for collection generally.

(a) *Except as otherwise provided, any person placing all solid waste to be removed by an authorized person under this article shall be placed the solid waste as close as possible to the public street in the front of each residence or the principal*

structure on ~~a lot~~ *the property from which the solid waste originated, not in front of an adjoining property.* Solid waste set out for collection shall have at least five (5) feet clearance from all vines, trees, shrubs, vehicles, buildings or other structures, on all sides. Automated collection containers and recyclable containers shall be placed so that the lid opens away from the street and shall be placed so that traffic is not impeded.

* * *

(d) Any person who is physically unable to transport all refuse and recyclables generated by all persons residing in a dwelling unit to the locations described in subsections (a) and (b) of this section may apply for physically challenged service.

(1) Physically challenged service is available only when there is no person residing in a dwelling unit who is physically able to transport the automated collection container to the locations described in subsections (a) and (b) of this section.

(2) Any person applying for physically challenged service must present sufficient medical evidence consisting of a medical doctor's certification, on forms ~~provided by~~ *acceptable to the city manager*, that all persons residing in a dwelling unit are unable to transport to the locations described in subsection (a) and (b) of this section, all refuse and recyclables generated by those persons residing in a dwelling unit with the person applying for said service.

(3) Any person receiving physically challenged service must notify the manager of the department of solid waste management within thirty (30) days, if the person, or any person living in the dwelling unit with him or her, becomes ineligible for physically challenged service at the subject address due to improved health, relocation of the person receiving such service, or any other reason.

~~e) — Any person who resides on a lot or parcel served solely by either a private driveway or a private road may apply for private property service.~~

~~(1) — Any person applying for private property service must execute an agreement, approved as to form by the city attorney, releasing and agreeing to indemnify the city, and its officers, employees and agents, for damages arising out of the performance of private property service.~~

~~(2) — Any person not receiving private property service on March 1, 1993, may not apply for such service, unless that person resides on a lot or parcel served solely by either a private driveway or road, and two (2) or more dwelling units served by the private driveway or road receive such private property service.~~

~~(3) — Any person receiving private property service must renew his agreement with the city on a yearly basis.~~

~~(f) — In the case of multi-family dwelling units, all solid waste and recyclables shall be placed at a location designated by the city manager. If no location is so designated, refuse and recyclables shall be placed in a manner described in subsections (a) and (b) of this section.~~

Section 14.1-17. Placement of brush, bulk brush, lawn rakings and loose leaves for collection by the city.

(a) *Brush.* All brush to be collected and removed shall be placed in an automated collection container for collection by an authorized person. An amount of brush too large for an automated collection container shall be subject to collection pursuant to section 14.1-23 of this code.

(b) *Bulk items.* All bulk items shall be placed at the curb for collection pursuant to section 14.1-16, or in an automated container. *A plastic bag containing only leaves shall not be considered a bulk item during leaf season.*

(c) *Lawn rakings.* Except as otherwise provided for, lawn rakings placed for collection shall be deposited in a plastic garbage bag of at least 13-gallon capacity which must be secured against spillage. ~~During leaf season, which is generally the period of time from November 1 to December 31 of each calendar year, all leaves must be raked to the curb and be separated from all brush and other lawn rakings. Leaves to be collected by solid waste management personnel during leaf season must be bagged and set at the curb.~~

(d) *Loose Leaves.* *During leaf season, all loose leaves must be separated from all brush and lawn rakings and must be either raked to the curb, placed in an automated collection container, or placed in a plastic garbage bag of at least 13-gallon capacity which must be secured against spillage. When not during leaf season, all loose leaves shall be placed in either an automated collection container or placed in a plastic garbage bag of at least 13-gallon capacity which must be secured against spillage.*

Section 14.1-18. Time of placement of individual refuse automated collection containers and recyclable containers for collection.

Except in the central business district, automated collection containers and recycling containers containing solid waste from dwelling units shall be accessible for collection by an authorized person no later than 7:00 a.m. on the day of collection. Automated collection containers and recycling containers placed adjacent to streets for collection by an authorized person shall not be so placed prior to 7:00 p.m. on the day preceding the day of collection, and shall be removed as soon as possible after collection and, in no instance, shall they be permitted to remain adjacent to such

street after 7:00 a.m. of the day following collection. ~~Individual refuse~~ *Automated collection* containers and recycling containers shall be stored between dates of collection in a location no closer to the street than the principal building. Where placement of an automated collection container and recycling container in a location no closer to the street than the principal building is impractical or not feasible, the city manager may designate an alternative location.

Section 14.1-19. Collection in Central Business District.

(a) *Automated collection containers, individual refuse containers, bulk items allowed by rules and regulations promulgated by the city manager, and recyclable containers used by commercial establishments in the central business district must be accessible to solid waste management vehicles or placed for collection in locations and times designated by the city manager. No individual refuse container or recycling container together with the solid waste or recyclables therein, and no allowable bulk item, shall exceed sixty (60) pounds in weight. Automated collection containers, individual refuse containers, and recycling containers shall be stored between dates of collection in a location no closer to the street than the principal building. Where storage of an automated collection container, individual refuse container, or recycling container in a location no closer to the street than the principal building is impractical or not feasible, the city manager may designate an alternative location.*

* * *

(d) *Recyclables collected within the central business district shall be placed in containers otherwise prepared for removal by an authorized person in accordance with requirements set forth in written information provided by the city solid waste management division.*

(e) *city The use of a sealed compactor within the central business district shall be limited to those establishments or residents that have registered with the city solid waste management division for such access to such sealed compactor.*

(f) *A sealed compactor may not be used to dispose of hazardous waste, grease from non-residential establishments, bulk items, brush, lawn rakings, non-collectable items, or other refuse identified in Section 14.1-21 of the city code.*

Sec. 14.1-21. Certain solid waste not to be collected--Generally.

(a) *Manure, topsoil, earth, stone, rock, brick, concrete, asphalt, heavy metal, sheet rock, plate or large broken glass, automobile parts, dead animals, grease from non-residential establishments, poisons, caustics, acids, hazardous waste, trees, stumps, explosives, or other dangerous materials, or rubbish from construction,*

remodeling, razing and repair operations on houses, commercial buildings and other structures, *or fire-damaged items* shall not be placed out for collection by ~~an authorized person~~ and shall not be removed by ~~an authorized person~~ *the city*, and in no circumstances shall hazardous waste be put out for collection by any person.

(b) The above subsection notwithstanding, not more than two (2) automobile tires will be collected *by the city* from any residence or commercial establishment per week. Such tires shall be taken off the rim, shall not be placed inside an automated collection container, and shall be placed at the curb in the same manner as collections pursuant to section 14.1-23 of the city code.

Section 14.1-22. ~~Same—Bulk items, brush and loose leaves.~~

It shall be unlawful for any *bulk items removed*, brush cut, *or loose leaves raked*, for a fee to be deposited by any person in the public right-of-way for removal by an authorized person.

Section 14.1-23. Placement and collection of bulk items, brush and loose leaves.

(a) The city will provide bulk item and brush collection for the owner or occupant of any dwelling unit or multi-family dwellings who uses an automated collection container provided by the city. Such owner or occupant shall place a bulk item, brush *or loose leaves* as close as possible to the curb, and if there is no curb, as close as possible to the street, *or in an automated collection container*. Such placement shall be made no earlier than the day *(or seven (7) days regarding loose leaf collection)* prior to the scheduled date of collection and no later than 7:00 a.m. of the day scheduled for collection. No collection of bulk items, brush *or loose leaves* will be made from any alley. All woody or leafy yard waste must be stacked in a pile that is no greater than four (4) feet wide, four (4) feet long, and four (4) feet high. No single branch placed for collection can be greater than four (4) feet in length or three (3) inches in diameter.

(b) Every owner or occupant utilizing the brush and bulk item collection service shall take adequate precautions to secure any bulk item in such a manner as to ensure the safety of the public. All doors on a refrigerator, ~~stove, washer, dryer, or similar bulk item~~ *or freezer* shall be removed, and all brush shall be secured so as to prevent being blown and scattered by wind.

(c) *No more than six (6) bulk items may be collected and removed at any one time. In addition, no more than one (1) pick-up truck load of brush may be collected and removed at any one time. Loose leaves contained in a plastic bag left out for collection by the city during leaf season shall not be considered bulk items.*

(d) *City residents may take up to twelve (12) pick-up truck loads of bulk items and brush originating from their residence per calendar year to the transfer station free of charge, in accordance with rules and regulations promulgated by the city*

manager. In special circumstances upon request, the city manager may issue additional special dump permits for disposal of additional bulk items and brush at the transfer station. —No more than six (6) bulk items, or no more than one (1) pick-up truck load of brush, may be collected and removed at any one time.

(e) —City residents may take up to twelve (12) pick-up truck loads of bulk items and brush per calendar year to the Tinker Creek transfer station free of charge.

(f) —Bulk items, resulting from contracted work shall not be placed out for collection and shall not be removed by the city.

Sec. 14.1-24. Violation-civil penalty.

The city manager shall cause a notice of violation to be affixed to automatic collection containers, individual refuse containers and recycling containers found to be in violation of Section 14.1-18. After three or more such notices have been issued for any property within a year, the city manager shall impose on the owner of the property a civil penalty of \$25.00 for each such violation after the third one.

4. Section 14.1-44, Rate regulation; submission of rate schedules, of Division 2, Private Collection of Bulk Containers, of Article II, Collection by an Authorized Person, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, is hereby repealed:

Section 14.1-44. Rate regulation; submission of rate schedules.

~~Pursuant to section 15.2-930, Code of Virginia (1950), as amended, city council expressly reserves the right to regulate rates charged by private persons for bulk container collection service. Prior to June 15th of each year, all persons licensed to engage in bulk container collection service in the city shall file with city council their rate schedules for uncompacted bulk container service. Thereafter, whenever any license holder intends to amend or alter his rates for uncompacted bulk container service, notice of such fact and the proposed new rate schedule for such service shall be filed with city council at least thirty (30) days prior to the effective date of such amendment or alteration to such rate schedule.~~

5. Section 14.1-54, General prohibition, and §14.1-55, Notice to remove, of Article III, Accumulations of Solid Waste, of Chapter 14.1, Solid Waste Management of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

Sec. 14.1-54. General prohibition.

It shall be the duty of every owner or occupant of any ~~lot or~~ *parcel* in the city to maintain the same in a clean and sanitary condition. It shall be unlawful for any such owner or occupant to cause, allow or permit solid waste to be deposited upon, remain or allowed to accumulate upon any *parcel* in the city, except such solid waste as is properly collected, prepared and contained for regular collection by an authorized person.

Section 14.1-55. Notice to remove.

Whenever the director of health of the city, or the authorized representative of the director of health of the city, determines that any lot or premises ~~or parcel of land~~ in the city is unclean or unsanitary, by reason of the deposit, existence or accumulation of solid waste thereon, the director of health, or the director's representative, may give reasonable notice thereof and of ~~his~~ *the director's* determination to the owner or occupant of such property. Such notice shall be in writing, shall state the unclean or unsanitary condition ordered to be corrected, and shall fix the time by which such condition is ordered by the director of health to be abated or corrected. Such notice shall be deemed to be properly served upon such owner or occupant, if a copy thereof is served upon or delivered to him in person or if a copy thereof is *posted on the property in a conspicuous location and sent postage prepaid to the owner's last known address as set forth in the city's real estate valuation records by United States Postal Service.* ~~In case of nonresident owners who have no agent in the city, such notice may be given by publication, in which event two (2) insertions of such notice on separate days in any newspaper published in the city, at least ten (10) days before the first day any action is to be taken, shall be sufficient notice. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.~~

6. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

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City Web: www.roanokeva.gov

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Establishment of Reserve Avenue
Project Account and Transfer of
Funds

Background:

On July 3, 2006, City Council received a letter from Mayor Harris and Vice-Mayor Trinkle concerning the location formerly home to Victory Stadium and the surrounding vicinity. In addition to conceptual plans to develop temporary multi-use athletic facilities previously supported by City Council, the letter outlined the need for a master plan for the purpose of developing long-term use strategies for the site and other specific actions that focus on the site remaining in public use. City Council concurred with the approach outlined in the aforementioned letter.

Considerations:

Residual funding in the amount of \$580,000 is available in the Victory Stadium Project account and can be reallocated to support the identified action items for the Reserve Avenue project area, specifically the development of temporary multi-use athletic facilities.

To expedite and facilitate the development of the site for athletic facilities, the current contract with S.B. Cox, Incorporated can be amended to provide for site grading,

supplementary erosion and sediment control measures, and storm drainage. The cost of the additional work is projected to be not more than \$388,845 with an estimated time for completion of 60 calendar days. City Council authorization is needed for this additional work because the additional cost, together with prior change orders, will exceed 25% of the original contract.

Recommended Action(s):

Authorize the Director of Finance to establish an account in the Capital Projects Fund entitled "Reserve Avenue Athletic Venue". Transfer funding in the amount of \$580,000 from the Stadium/Amphitheater Project Account (08-530-9758-9003) to the newly established account.

Authorize the City Manager to execute additional amendments to the contract with S.B. Cox, Incorporated for additional site grading, supplementary erosion and sediment control measures, and storm drainage. Funding for this amendment will be available in the new project account for the Reserve Avenue Athletic Venue.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:acm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management & Budget
Steve Buschor, Director of Parks & Recreation

CM06-00151

ALS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to transfer funding from the Stadium/Amphitheater Project for the establishment of the Reserve Avenue Athletic Venue Project, amending and reordaining certain sections of the 2006-2007 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Appropriated from General Revenue	08-530-9752-9003	\$ 580,000
Appropriated from General Revenue	08-530-9758-9003	(580,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the City Manager's issuance of a Change Order to the City's contract with S.B. Cox, Incorporated, for changes in connection with the work on the demolition of Victory Stadium; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, in a form approved by the City Attorney, a Change Order to the City's contract with S.B. Cox, Incorporated, concerning site grading, supplementary erosion and sediment control measures, and storm drainage in connection with the work on the demolition of Victory Stadium, all as more fully set forth in the City Manager's letter to Council dated August 21, 2006.

2. Such Change Order will provide authorization for additions in the work with an increase in the amount of \$388,845 to the contract, all as set forth in the above letter.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
DEPARTMENT OF FINANCE

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JESSE A. HALL

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ANN H. SHAWVER

Deputy Director

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August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff Council Member

Dear Mayor Harris and Members of City Council:

Subject: Fiscal Year 2006 Unaudited Financial Report

Fiscal year 2006 has come to a close, and this financial report presents the results of the City's financial performance for the year. It is appropriate to point out that minor changes to the financial data contained herein may occur during the course of our external audit which will be conducted during upcoming months. We anticipate presenting the audited financial statements to City Council in December.

The following narrative provides an overview of General, School and Enterprise Fund performance, and it also presents fund balances for the General and School Funds.

General Fund

Revenues

Our revenue estimate from all sources was \$228,464,008, while actual collections totaled \$232,606,174. General Fund revenues exceeded the estimate by 1.8% or \$4,142,166.

As presented in this report, General Fund revenues decreased .7% from FY05. However, when adjusted for the FY05 one-time transfer from the Debt Service Fund to the General Fund to establish the Budget Stabilization Reserve, General Fund revenues increased 6.3% compared to FY05. This is higher-than-average growth for our General Fund, and it was led by an increase in the prepared food tax rate and continued strong performance of the real estate tax. Additionally, FY06 performance of a number of our

other local taxes was particularly strong. Significant variances in specific categories of revenues are discussed in the following paragraphs.

Local Taxes

General Property and Local taxes comprise 67% of the General Fund. They achieved 103.5% of the revenue estimate as a whole, exceeding budget by approximately \$5.2 million, and increasing 7.2% since FY05.

Real estate taxes are the largest single source of the City's revenues. This primary revenue source increased 8.1%, exceeding the estimate by approximately \$372,000. This was the result of strong growth in assessed values and new construction that surpassed our estimates. Real estate has provided a significant portion of local tax growth in recent years, and it will continue to do so again in FY07, consistent with local, state and national trends in real estate. The tax rate in FY07 will decrease from \$1.21 to \$1.19 per \$100 assessed value as approved by City Council in the adoption of the FY07 budget.

Personal property taxes are the third largest tax revenue. The portion paid by citizens and businesses, as opposed to the state relief portion, increased 5.1% compared to FY06, providing the second consecutive year of growth in this tax. Growth occurred mainly in the business and personal property vehicular area. Performance of this revenue continues to be aided by coordination of efforts between the Commissioner of the Revenue and available DMV records, audits of corporate vehicle records and other similar procedures. Additionally, the growth in the local tax is due in part to an increase in the allocation of tax to citizens which stems from a reduction in the percentage of state tax relief reimbursement.

State sales tax is our second largest local tax and is a key indicator of the strength of our local economy. Sales tax increased 5.0% from FY05 to FY06. This level of growth is excellent performance of the sales tax for our City which is continually challenged by retail competition from surrounding communities. The FY06 growth is the highest growth recognized in recent years and is indicative of improved consumer confidence and strong performance by numerous City establishments in retail, food and other venues.

Utility taxes, as a group, are the fourth largest local tax. Utility taxes apply to electric, gas, telephone, water and cellular phone services. The revenue slightly exceeded the estimate, remaining stable as a whole when compared to the prior year. In FY07, several of these taxes will be replaced with a 5% state telecommunications tax. It is anticipated by the Commonwealth that this change will be revenue neutral to the City, however the shift in control to the State level will reduce our ability to monitor this tax and pursue collections when issues arise.

Business and Professional Occupational License (BPOL) Tax is the City's fifth largest source of local tax revenue. Tax revenues are derived from gross receipts of businesses. BPOL taxes increased 8.6% compared to FY05 and were well in excess of the revenue estimate. The FY06 growth represents the largest growth in this tax in a number of years, and the growth was well beyond expectations. The growth in this tax is a positive indicator that performance of City businesses has improved from its low point near the millennium when the economy was hindered by the effects of September 11th, concerns of war in Iraq and elsewhere, and the loss of consumer confidence which followed.

Prepared Food and Beverage taxes are the sixth largest local tax, generating revenues of approximately \$10.6 million during FY06. The tax rate increased from 4% to 5% effective July 1st, contributing approximately \$2.1 million in additional local taxes to General Fund revenues. These additional revenues are necessary to fund planned capital improvements, most notably renovations to the William Fleming High School. For the year as a whole, revenues exceeded the estimate by 3.3% and rose nearly 33% compared to the prior year (25% related to the tax rate change and 8% true growth). Consistent with the growth in other local taxes, the increase in this revenue is indicative of a continued positive trend in consumer spending in Roanoke.

There are a number of other significant local taxes which contribute \$1 to \$4 million in annual revenue to the City. Public Service Corporation Taxes, the property tax on companies such as utilities, contributed approximately \$3.4 million in General Fund revenues. The tax declined \$436,000 compared to last year and was below the estimate. Each year, the personal property component of this tax is estimated, as the State Corporation Commission assessment is not made until the fall. Consequently, the amount paid by companies in compliance with the City's personal property schedule is based on an estimate with an adjustment made at the beginning of the next fiscal year. Public Service Tax revenues in FY06 were adversely impacted by refunds of taxes that were received in FY05. The Transient Room Tax totaled approximately \$2.5 million and rose 12.4% over FY05. Growth in this area was impacted by tax audits as well as positive performance at local hotels in terms of both room rates and occupancy levels. The Cigarette Tax provides approximately \$1.8 million in revenues and grew 12.9% in FY06. This tax rate will increase in FY07 from 27 cents to 54 cents per pack. At fiscal year end, this revenue increased sharply as merchants purchased tax stamps anticipating higher rates in the new year.

Intergovernmental Revenues

Intergovernmental revenues consist of State and Federal funding to the General Fund. After real estate tax, the largest category of revenue to the General Fund is funding from the Commonwealth. State funding makes up approximately 27% of the budget. In FY06, revenues totaled \$60.3 million or 97.2% of the estimate. They increased more than 4% over the prior year. Growth from several categories of state revenue is offset by a decline in personal property tax relief (PPTRA) funds due to the Commonwealth's

change in methodology regarding the Personal Property Tax Relief Act (PPTRA) allocation. Reimbursements to fund the costs of street maintenance increased, as did funding for law enforcement through HB 599. In the Social Services area, funding for administration, foster care and employment services increased. Also in this category, revenues provided by the Commonwealth of Virginia Compensation Board grew due to an increase in the percentage of salary expenditures eligible for reimbursement.

The City typically receives very little direct federal revenue for General Fund operations. In FY06, close to \$39,000 was received, approximately the same amount as in FY05.

Other Local Revenues

Besides local taxes, there are other local revenues which collectively contributed 7% to the General Fund. These include permits and fees, fines and forfeitures, charges for services, interest and rental income, billings for services to other City funds or other entities, transfers from other funds and miscellaneous revenues. A brief recap of the performance of these revenues is as follows.

Permits, Fees and Licenses have increased 15.2% since FY05, led by growth in building inspection fees and building plan review revenues. The continued active construction market and several large projects around the City led this revenue growth. It should be noted that this growth has occurred despite a decrease in overall fees for building permits which took effect earlier in the fiscal year.

Fines and Forfeitures totaled slightly over \$1.4 million. They increased as compared to FY05 primarily due to growth in delinquent tax collection fee revenue. Overall, revenues in this category exceeded their estimate by 6.7%. Included in this category are court fines, parking tickets, collection fees imposed on various delinquent collections, and public safety false alarm fees.

Revenue from the Use of Money and Property increased significantly over the prior year as a result of interest income on the Budget Stabilization Reserve. Additional rental income from the Commonwealth Building generated by several lease renewals also contributed to the variance.

Charges for Services decreased 4.3%, mostly due to declines in Jail revenues. Housing of prisoners from other localities has decreased by more than \$300,000 since FY05 due to a decline in availability of bed space to use for prisoners of outside localities. Also, there has been a slight decrease in the \$1 "pay for stay" prisoner fee. Many of these charges are never collected by the City due to the nature of the fee. EMS revenues have declined nearly \$400,000 in the current year, in part due to the adjustment period underway as the City shifts to a new third party billing company.

Revenues from Interfund Services totaled \$2.8 million in FY06. The category achieved 98.7% of its estimate. Charges included in this category are billings to the Schools for their share of Comprehensive Services Act (CSA), School Resource Officer (SRO), and Municipal Audit expenditures. Also included are billings to the Airport for the Airport Fire Station, and charges to other funds of the City for Engineering, Building Maintenance, Street Maintenance, and other services.

In FY06, there were no Transfers from Other Funds into the General Fund. This FY05 revenue consisted almost entirely of a one-time transfer of \$15.5 million from the Debt Service Fund to the General Fund to establish the Budget Stabilization Reserve.

Miscellaneous Revenue decreased 25.6% due in part to the adoption of the Economic and Community Development Reserve Policy during the latter part of Fiscal Year 2005. Effective with FY06, this policy shifted revenue from small property sales to the Capital Projects Fund, where the reserve is maintained, rather than the General Fund as in the past.

Expenditures

Total expenditures and encumbrances for FY 2006 were \$231,534,847 which were \$2,329,290 or 1.0% less than City Council had authorized. The authorized expenditure budget includes appropriations of fund balance which were made during the year.

General Fund expenditures and encumbrances have increased 5.6% since FY05. An employee pay raise averaging 3% was granted effective July 1, 2005. Beyond this general pay raise, Fire/EMS and Sheriff/Jail employees received an additional 4% raise effective January 1, 2006. A change in the billing methodology of the Fleet and Department of Technology (DOT) funds also affects user departments. Effective with FY06, Fleet and DOT began billing user departments for capital outlay rather than providing a nondepartmental lump sum transfer as in prior years. This causes a decline in the Nondepartmental category and an offsetting increase in numerous other categories throughout FY06. Other notable expenditure trends are as follows:

General Government expenditures grew 5.9% in FY06 due to the aforementioned increases in the personnel costs and internal service charges. Additionally, City expenditures for Cable Television Educational Access (RVTv) are now recorded as a function of the Office of Communications, a General Government department. In prior years, this expenditure was accounted for under Community Development.

Judicial Administration expenditures grew 7.8% as a result of the previously mentioned payroll related items. Additionally, payments to the Roanoke Valley Detention Commission for residential placement expenses increased in the current year.

Public Safety expenditures are 7.7% higher in the current year, primarily due to the aforementioned increase in salaries. The Jail has also experienced an increase in the cost of prison health care services, and capital maintenance and equipment replacement spending in the Police Department is higher in the current year.

Parks, Recreation and Cultural expenditures increased 14.7% in part due to the reclassification of expenditures for Event Zone, Virginia Amateur Sports, as well as other recreational related subsidies from Community Development to Parks and Recreation Administration. An increase in special project expenditures for Youth Services contributed to the variance, as well as higher personnel costs for the Libraries due to the reclassification of several existing positions and the addition of new positions.

Transfer to Debt Service Fund expenditures increased 15.2% primarily as a result of debt service on the 2004B issue which began in July 2005.

Transfer to School Funds increased by \$3.1 million or 5.9% based on the school funding formula which allocates approximately 36% of local taxes to the School Board.

Nondepartmental expenditures and obligations decreased 15.1% due to a net decline in transfers to other funds of the City. Transfers vary from year to year based on transactions between the General Fund and other funds of the City. Transfers to the Civic Facilities Fund in the form of an operating subsidy increased. Transfers to the Capital Projects Fund decreased due to a decline in the amount of undesignated fund balance transferred. The aforementioned change in internal service billing procedures also contributed to the variance by resulting in a decrease in the transfer to both the Fleet Management and the Department of Technology Funds.

SCHOOL FUND

Revenues

The School Fund revenue estimate from all sources was \$123,757,366, while actual collections totaled \$122,558,531. Total School Fund revenues increased 4.4% or \$5,172,033 from the prior year but fell short of the estimate by 1.0%. The growth in the School budget was a result of increased funding from the City, the Commonwealth and the Federal government. Although overall funding from the Commonwealth increased, revenue realized fell short of the estimate due to a decrease in the number of students. Federal funding rose sharply in FY06, but it contributes a small portion of overall funding to the Schools. Growth was a result of increased funding of the ROTC program and improvements to the process for receiving indirect federal funding through the Virginia Department of Education. Charges for Services revenue declined

9.0% due to lower than expected participation in the regional special education program which provided revenues to the City Schools. The Transfer in funding from the City's General Fund increased 5.9% as described previously.

Expenditures

Expenditures and encumbrances in the School Fund were budgeted at \$125,113,408, while actual obligations totaled \$123,385,028, leaving an unobligated balance of \$1,728,380. It is important to note that the authorized expenditure budget includes appropriations from prior year fund balance. Expenditures and encumbrances increased from the prior year by \$4,122,491 or 3.5%, with increases in all major categories. Salaries and benefits expenditures increased, with pay increases of 3% for instructional personnel. Plant, Operation, and Maintenance expenditures were higher due to increased personnel, material, and fuel costs. Transportation costs increased nearly 9% as impacted by rising fuel prices and increased participation in summer programs.

ENTERPRISE FUNDS

The City's Enterprise Funds include Civic Facilities, Parking and Market Building operations. These funds are intended to operate in a manner such that operating expenses are recovered in the form of user charges. Historically, the General Fund has subsidized the Civic Facilities and Market Building funds. Brief comments on each of the City's Enterprise Funds are as follows.

Civic Facilities Fund

The Civic Facilities Fund operates with a budget of approximately \$5.9 million, and in FY06 it included the operations of the Civic Center and Victory Stadium. For the year ended June 30, 2006, the fund incurred an operating loss of slightly over \$1.9 million. As a comparison, operating losses in FY05 and FY04 were approximately \$1.7 million and \$1.6 million, respectively. FY06 operating performance was adversely impacted by construction activities, and sporting event performance was weak at the facility. Operating revenues increased slightly over the prior year due in part to a strong performance in the final quarter, which overcame poor hockey and basketball performances earlier in the year. Additionally, catering and concession revenues were up due to higher across-the-board performances. Operating expenses increased due to higher personnel costs in the current year. Nonoperating revenues of the Civic Facilities Fund include transfers, interest earnings, and non-recurring items. In FY06, transfers totaling nearly \$1.9 million were provided by the General Fund to mitigate the operating loss; \$252,000 to cover the shortfall in Victory Stadium operating revenues and just over \$1.6 million to cover the shortfall in Civic Center operating revenues. Total net income for the year was approximately \$26,000, compared to a net profit in FY05 of less than \$1,000.

Parking Fund

The City's Parking Fund operates six parking garages and numerous surface lots with a budget of approximately \$2.7 million. In FY06, the fund achieved net operating income of \$981,000, a slight increase from the \$921,000 of FY05. Operating revenues in FY06 increased in several garage facilities due to an increase in monthly parkers, as well as increased marketing efforts and additional availability associated with 'new' spaces. Operating expenses increased only slightly compared to the prior year. After the impact of non-operating activities is incorporated, the Parking Fund achieved net income of \$825,000 in FY06. The fund's revenues in excess of expenses will enable it to fund debt service as bonds are issued to fund new parking garages. Additionally, through its achievement of these net income amounts in recent years, the Parking Fund is generating working capital which will be used to cash-fund upcoming facility improvements.

Market Building Fund

The Market Building Fund was created in FY03 to enable the City to track the results of revenues and expenses of this facility. It operates with an annual budget of approximately \$322,000. Operating revenues in FY06 were lower than the prior year as impacted by FY05 collections of rent-in-arrears. Rental payments were caught up in late FY05 and early FY06, and there are currently no tenants with rent-in-arrears. The fund incurred an FY06 operating loss of \$85,000, an improvement compared to the prior year when various facility improvements were made. The operating loss was mitigated by a subsidy from the General Fund in the amount of \$77,700 in FY06. Transfers from other funds are less than that of FY05 due to the aforementioned repair expenses which were funded by the General and Capital Projects Funds last year. A Market Building Improvements capital project funded by the General Fund was completed in FY06 and is reflected as a capital contribution. This project included a significant HVAC upgrade to the building.

FUND BALANCES

General Fund

The Budget Stabilization Reserve at June 30, 2006 is \$17,045,683. The reserve serves as a funding source for emergencies or unforeseen declines in revenues, and it is supported by the Budget Stabilization Reserve Policy which was adopted by City Council in April 2005. The policy states that the reserve minimum will be 5% of the General Fund budget with a target of 8%. During the year, the reserve increased as a result of interest earnings and a designation of \$750,000 from the General Fund undesignated fund balance. This addition was made to enable the reserve to grow toward the target level. This reserve is currently 7.1% of the adopted General Fund budget for FY06, while it was 7.0% of the General Fund budget at the conclusion of the prior year.

The allocation to the Reserve for Uninsured Claims is \$250,000. City Code provides that an annual allocation of \$250,000 will be made to develop a reserve for Uninsured Claims equal to 3% of the General Fund budget. The current year allocation will not fully fund long term liabilities of the self-insured program; however, it enables progress in the funding level. The City is self insured for workers' compensation and establishes a loss retention in conjunction with auto and general liability insurance based on claims history.

The year end Undesignated Fund Balance is \$4,825,899. At the end of each fiscal year, any undesignated fund balance is shared with the School Board using the same formula through which local tax revenues are shared. Based on the formula, the undesignated fund balance will be allocated \$2,912,154 to the City and \$1,913,745 to the Schools. The City's undesignated fund balance will be recommended primarily for funding of capital equipment requested through the City's Capital Maintenance and Equipment Replacement Program ("CMERP") at an upcoming meeting of City Council. While reliance upon year end fund balance for capital items has declined due to additional funding of these items in the operating budget, the undesignated year end fund balance will continue to be recommended for use in addressing additional capital needs and non-recurring items.

A Reserve for Encumbrances that totals \$1,219,270 is required in order to provide funds to cover purchase orders from June 30th which will be paid during the upcoming fiscal year.

School Fund

A Reserve for Uninsured Claims is maintained by the School Board in the amount of \$350,000.

The Undesignated Fund Balance is \$529,787. This undesignated fund balance will be allocated by the School Board for capital equipment funding during the upcoming fiscal year. Along with this balance in the School Fund, the Schools will receive \$1,913,745 from the City's General Fund as described previously.

A Reserve for Encumbrances of \$1,147,696 is required in order to provide funds to cover purchase orders from June 30th which will be paid during the upcoming fiscal year.

City of Roanoke, Virginia
General Fund Undesignated Fund Balance
June 30, 2006
(Unaudited)

General Fund Undesignated Fund Balance Allocation

General Fund Revenues In Excess of Budgeted Amounts	\$ 4,142,166
General Fund Unobligated Appropriations	2,329,291
Less: Allocation to the Reserve for Uninsured Claims	(250,000)
Less: Allocation to the Budget Stabilization Reserve	<u>(1,395,558)</u>
Total General Fund Undesignated Fund Balance Allocation	4,825,899
Undesignated Fund Balance Allocated to Schools	<u>(1,913,745)</u>
Undesignated Fund Balance Retained by General Fund	<u><u>\$ 2,912,154</u></u>

City of Roanoke, Virginia
Calculation of General Fund Undesignated Fund Balance to Allocate to the School Board
June 30, 2006
(Unaudited)

Local Taxes

General Property Taxes	\$ 94,409,363
Other Local Taxes	69,812,361
Total Local Taxes	<u>164,221,724</u>

Less: Local Taxes Dedicated for Specific Purposes

Current Downtown District Real Estate Tax	(263,010)
Delinquent Downtown District Real Estate Tax	(2,096)
Current Williamson Road District Real Estate Tax	(77,564)
Delinquent Williamson Road District Real Estate Tax	(2,174)
Downtown District Public Service Tax	(28,833)
Utility Consumer Tax Dedicated to Roanoke River Flood Reduction	(808,000)
Telephone Surcharge (E911) Taxes	(1,431,406)
Cable TV Franchise Tax Dedicated to Local Government Access Channel	(205,879)
Cigarette Tax to Support Debt Service of Bonds Issued for Jail and Juvenile Detention Home	(305,000)
Motor Vehicle License Tax to Support Debt Service of Bonds Issued for Jail and Juvenile Detention Home	(325,000)
Cigarette Tax for COPE Team and Convention and Visitor's Bureau	(501,429)
Transient Room Tax to Support Convention and Visitors Bureau	(200,000)
Telecommunications Right of Way Use Fee Dedicated to Paving	(295,034)
One Cent Real Estate Tax Dedicated to Economic Development	(521,535)
One Cent Transient Occupancy Tax Dedicated to Tourism	(361,378)
Ten Cents Cigarette Tax Dedicated to Curb, Gutter and Sidewalk	(790,056)
Debt Service on Bonds Issued for Innotech Project	(962,028)
Admissions Tax Dedicated to Civic Center Project or Cultural Agencies	(41,459)
One Cent Meals Tax Dedicated to Debt Service	(2,127,179)
Net Local Taxes	<u>154,972,664</u>

School Percentage Share of Local Taxes	<u>36.42% *</u>
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School Share of Local Taxes	56,441,044
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Other Adjustments:

Deduct Interest Earnings	(200,000)
Add Roanoke Adolescent Health Partnership	<u>25,000</u>

Net School Transfer	56,266,044
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Less: FY06 Local Funding Provided to School Board	<u>(54,352,299)</u>
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Allocation of Undesignated Fund Balance to School Board	<u><u>\$ 1,913,745</u></u>
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- Percentage share based on Revenue Allocation Model

City of Roanoke, Virginia
School Board Undesignated Fund Balance
June 30, 2006
(Unaudited)

School Fund Undesignated Fund Balance Allocation

School Fund Revenues Below Estimated Amounts	\$ (1,198,835)
School Fund Unobligated Appropriations	1,728,380
Add: Decrease in Workers' Comp Trust Fund	<u>242</u>
Total School Fund Undesignated Fund Balance Allocation	529,787
General Fund Undesignated Fund Balance Allocation	<u>1,913,745</u>
Total School Undesignated Fund Balance	<u><u>\$ 2,443,532</u></u>

City of Roanoke, Virginia
Budget Stabilization Reserve
Per Resolution 37053 (Adopted May 10, 2005)
(Unaudited)

<u>Reserve Roll Forward:</u>	Amount	% Budget
Budget Stabilization Reserve, July 1, 2005	\$ 15,650,125	7.0%
Interest earnings	645,558	
Allocation to Reserve	<u>750,000</u>	
Budget Stabilization Reserve, June 30, 2006	<u>\$ 17,045,683</u>	7.1%

Reserve Policy Parameters:

Total General Fund Budget FY07	\$ 239,607,000
	5%
<u>Minimum</u> Designated Budget Stabilization Reserve	<u>\$ 11,980,350</u>
 Total General Fund Budget FY07	 \$ 239,607,000
	8%
<u>Target</u> Designated Budget Stabilization Reserve	<u>\$ 19,168,560</u>

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - June 30 2004-2005	July 1 - June 30 2005-2006	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 81,199,730	\$ 86,447,295	6.5 %	\$ 85,246,940	101.4%
Other Local Taxes	64,538,427	69,812,361	8.2 %	65,801,000	106.1%
Permits, Fees and Licenses	1,275,026	1,469,016	15.2 %	1,069,000	137.4%
Fines and Forfeitures	1,354,775	1,444,566	6.6 %	1,354,000	106.7%
Revenue from Use of Money and Property	796,688	1,462,840	83.6 %	722,000	202.6%
Grants-in-Aid Commonwealth	57,942,187	60,347,182	4.2 %	62,113,026	97.2%
Grants-in-Aid Federal Government	38,770	38,768	0.0 %	38,000	102.0%
Charges for Services	8,732,058	8,356,626	-4.3 %	8,913,850	93.7%
Internal Services	2,381,971	2,785,455	16.9 %	2,822,192	98.7%
Transfers From Other Funds	15,501,876	-	-100.0 %	-	0.0%
Miscellaneous Revenue	593,786	442,065	-25.6 %	384,000	115.1%
Total	\$ 234,355,294	\$ 232,606,174	-0.7 %	\$ 228,464,008	101.8%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - June 30 2004-2005	July 1 - June 30 2005-2006	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	11,505,506	12,179,392	5.9 %	\$ 139,069	\$ 12,318,461	98.9%
Judicial Administration	6,551,413	7,061,510	7.8 %	21,548	7,083,058	99.7%
Public Safety	52,770,117	56,857,075	7.7 %	244,495	57,101,570	99.6%
Public Works	23,127,093	23,540,087	1.8 %	267,110	23,807,197	98.9%
Health and Welfare	32,374,103	33,657,835	4.0 %	1,304,617	34,962,452	96.3%
Parks, Recreation and Cultural	8,561,826	9,822,872	14.7 %	51,378	9,874,250	99.5%
Community Development	5,529,454	5,770,596	4.4 %	40,821	5,811,417	99.3%
Transfer to Debt Service Fund	15,509,082	17,862,787	15.2 %	1	17,862,788	100.0%
Transfer to School Funds	52,676,279	55,789,730	5.9 %	-	55,789,730	100.0%
Nondepartmental	10,587,860	8,992,963	-15.1 %	260,251	9,253,214	97.2%
Total	\$ 219,192,533	231,534,847	5.6 %	\$ 2,329,290	\$ 233,864,137	99.0%

**CITY OF ROANOKE, VIRGINIA
SCHOOL FUND STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - June 30 2004-2005	July 1 - June 30 2005-2006	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
State Sales Tax	\$ 11,191,232	\$ 12,272,397	9.7 %	\$ 12,050,078	101.8 %
Grants-in-Aid Commonwealth	50,933,219	52,071,945	2.2 %	53,072,458	98.1 %
Grants-in-Aid Federal Government	132,359	191,034	44.3 %	125,000	152.8 %
Charges for Services	2,453,409	2,233,425	-9.0 %	2,720,100	82.1 %
Transfer from General Fund	52,676,279	55,789,730	5.9 %	55,789,730	100.0 %
Total	\$ 117,386,498	\$ 122,558,531	4.4 %	\$ 123,757,366	99.0 %

SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - June 30 2004-2005	July 1 - June 30 2005-2006	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Instruction	\$ 87,020,956	\$ 89,581,820	2.9 %	\$ 1,010,813	\$ 90,592,633	98.9 %
General Support	5,015,513	5,709,185	13.8 %	34,093	5,743,278	99.4 %
Transportation	5,467,247	5,941,402	8.7 %	31,256	5,972,658	99.5 %
Operation and Maintenance of Plant	12,164,307	12,506,110	2.8 %	232,528	12,738,638	98.2 %
Facilities	2,298,391	2,790,171	21.4 %	270,729	3,060,900	91.2 %
Other Uses of Funds	7,296,123	6,856,340	-6.0 %	148,961	7,005,301	97.9 %
Total	\$ 119,262,537	\$ 123,385,028	3.5 %	\$ 1,728,380	\$ 125,113,408	98.6 %

**CITY OF ROANOKE, VIRGINIA
CIVIC FACILITIES FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2006
(UNAUDITED)**

	<u>FY 2006</u>	<u>FY 2005</u>
Operating Revenues		
Rentals	\$ 683,338	\$ 610,284
Event Expenses	162,963	191,382
Display Advertising	124,588	140,960
Admissions Tax	446,424	446,502
Electrical Fees	12,685	17,591
Novelty Fees	92,222	80,247
Facility Surcharge	340,460	319,019
Charge Card Fees	86,998	88,735
Commissions	72,194	66,900
Catering/Concessions	967,307	810,924
Other	<u>6,261</u>	<u>38,608</u>
Total Operating Revenues	<u>2,995,440</u>	<u>2,811,152</u>
Operating Expenses		
Personal Services	2,106,837	1,953,178
Operating Expenses	2,287,890	2,095,620
Depreciation	<u>543,526</u>	<u>465,102</u>
Total Operating Expenses	<u>4,938,253</u>	<u>4,513,900</u>
Operating Loss	<u>(1,942,813)</u>	<u>(1,702,748)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	50,254	37,620
Transfer from General Fund	1,606,693	1,324,643
Transfer from General Fund - Victory Stadium	251,681	204,555
Transfer to Debt Service Fund	(64,869)	(66,219)
Interest and Fiscal Charges	(95,447)	(96,456)
Arena Ventures Contractual Penalties	209,032	122,970
Flood Damage Reimbursements	-	182,034
Miscellaneous	<u>11,491</u>	<u>(5,989)</u>
Net Nonoperating Revenues	<u>1,968,835</u>	<u>1,703,158</u>
Net Income	<u><u>\$ 26,022</u></u>	<u><u>\$ 410</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2006
(UNAUDITED)**

	<u>FY 2006</u>	<u>FY 2005</u>
Operating Revenues		
Market Garage	\$ 405,580	\$ 367,338
Elmwood Park Garage	525,683	526,433
Center in the Square Garage	214,851	225,902
Church Avenue Garage	659,698	611,306
Tower Garage	458,043	433,349
Gainsboro Garage	92,387	72,926
Williamson Lot	83,381	85,838
Norfolk Avenue Lot	15,989	62,196
Higher Ed Center Lot	46,928	51,114
Market Lot	46,367	45,600
Elmwood Lot	80,826	79,755
Warehouse Row Lot	23,084	22,118
West Church/YMCA Lots	30,304	16,540
Total Operating Revenues	<u>2,683,121</u>	<u>2,600,415</u>
Operating Expenses		
Operating Expenses	1,128,580	1,106,501
Depreciation	573,317	572,868
Total Operating Expenses	<u>1,701,897</u>	<u>1,679,369</u>
Operating Income	<u>981,224</u>	<u>921,046</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	93,057	42,904
Transfer from General Fund	31,220	31,780
Interest and Fiscal Charges	(280,855)	(322,741)
Net Nonoperating Expenses	<u>(156,578)</u>	<u>(248,057)</u>
Net Income	<u><u>\$ 824,646</u></u>	<u><u>\$ 672,989</u></u>

**CITY OF ROANOKE, VIRGINIA
MARKET BUILDING FUND
COMPARATIVE INCOME STATEMENT
FOR THE TWELVE MONTHS ENDING JUNE 30, 2006
(UNAUDITED)**

	<u>FY 2006</u>	<u>FY 2005</u>
Operating Revenues		
Retail Space Rental	<u>\$ 277,885</u>	<u>\$ 308,366</u>
Total Operating Revenues	<u>277,885</u>	<u>308,366</u>
Operating Expenses		
Operating Expense	354,537	498,121
Depreciation	<u>7,930</u>	<u>7,702</u>
Total Operating Expenses	<u>362,467</u>	<u>505,823</u>
Operating Loss	<u>(84,582)</u>	<u>(197,457)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	3,356	-
Transfer from Capital Projects Fund	17,625	72,491
Transfer from General Fund	77,700	252,933
Capital Contributions	1,726,651	-
Miscellaneous	<u>138</u>	<u>(1,071)</u>
Net Nonoperating Revenues	<u>1,825,470</u>	<u>324,353</u>
Net Income	<u><u>\$ 1,740,888</u></u>	<u><u>\$ 126,896</u></u>

Note: Capital Contributions were the result of the completion of the Market Building Improvement capital project. This project added value to the capital assets of the Market Building Fund, but the improvements were funded by the General Fund, thus requiring this transfer.

**CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED JUNE 30, 2006**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED JUNE 30, 2006.

FUND	BALANCE AT MAY 31, 2006	RECEIPTS	DISBURSEMENTS	BALANCE AT JUNE 30, 2006	BALANCE AT JUNE 30, 2005
GENERAL	\$28,304,470.45	\$18,010,014.31	\$23,237,713.62	\$23,076,771.14	\$21,015,270.15
WATER	420.00	0.00	0.00	420.00	420.00
WATER POLLUTION CONTROL	1,738.22	0.00	0.00	1,738.22	1,738.22
CIVIC FACILITIES	6,157,218.56	195,344.58	2,342,254.62	4,010,308.52	6,788,449.86
PARKING	6,599,528.52	253,133.77	92,864.23	6,759,798.06	3,813,956.13
CAPITAL PROJECTS	47,789,173.89	555,710.41	885,009.22	47,459,875.08	57,277,601.55
MARKET BLDG OPERATIONS	57,250.41	66,414.64	36,809.52	86,855.53	109,445.06
CONFERENCE CENTER	4,146,916.85	25,000.00	14,424.11	4,157,492.74	4,092,877.25
DEBT SERVICE	1,194,259.69	232,747.91	170,403.46	1,256,604.14	1,519,213.44
DEPT OF TECHNOLOGY	7,699,570.32	138,399.04	413,064.43	7,424,904.93	3,440,542.84
FLEET MANAGEMENT	1,551,342.64	212,077.64	295,574.80	1,467,845.48	230,668.03
PAYROLL	(15,745,102.50)	25,578,758.04	17,718,368.34	(7,884,712.80)	(7,885,281.27)
RISK MANAGEMENT	11,605,682.41	1,012,846.19	1,005,690.92	11,612,837.68	12,157,937.62
PENSION	778,970.05	3,597,004.33	3,762,722.26	613,252.12	825,381.33
SCHOOL FUND	(715,311.64)	12,405,045.88	8,330,733.47	3,359,000.77	3,378,729.12
SCHOOL CAPITAL PROJECTS	15,639,641.33	78,143.48	1,700,230.10	14,017,554.71	11,287,679.00
SCHOOL FOOD SERVICE	(131,608.77)	950,135.80	644,258.85	174,268.18	272,163.48
GRANT	2,158,516.86	573,000.57	654,147.04	2,077,370.39	847,321.84
TOTAL	\$117,092,677.29	\$63,883,776.59	\$61,304,268.99	\$119,672,184.89	\$119,174,113.65

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED JUNE 30, 2006.
THAT SAID FOREGOING:

CASH

CASH IN HAND	\$24,323.95
CASH IN BANK	887,726.08

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	2,450,000.00
COMMERCIAL PAPER	10,278,102.92
LOCAL GOVERNMENT INVESTMENT POOL	21,644,438.16
MONEY MANAGEMENT ACCOUNT	10,080,268.99
REPURCHASE AGREEMENTS	10,000,000.00
U. S. AGENCIES	20,567,308.33
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	17,458,376.05
VIRGINIA SNAP PROGRAM (U. S. SECURITIES)	26,281,640.41
TOTAL	\$119,672,184.89

JULY 14, 2006


EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE TWELVE MONTHS ENDED JUNE 30, 2006
(UNAUDITED)**

	<u>FY 2006</u>	<u>FY 2005</u>
<u>Additions:</u>		
Employer Contributions	\$ 9,135,620	\$ 6,813,820
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	24,244,328	22,954,487
Interest and Dividend Income	4,819,817	3,130,444
Total Investment Income (Loss)	29,064,145	26,084,931
Less Investment Expense	572,057	577,285
Net Investment Income (Loss)	28,492,088	25,507,646
Total Additions (Deductions)	<u>\$ 37,627,708</u>	<u>\$ 32,321,466</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 21,747,304	\$ 20,259,828
Administrative Expenses	323,728	311,624
Total Deductions	<u>22,071,032</u>	<u>20,571,452</u>
 Net Increase (Decrease)	 15,556,676	 11,750,014
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	318,675,367	306,925,353
Fund Balance June 30	<u><u>\$ 334,232,043</u></u>	<u><u>\$ 318,675,367</u></u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
JUNE 30, 2006
(UNAUDITED)**

	<u>FY 2006</u>	<u>FY 2005</u>
<u>Assets</u>		
Cash	\$ 611,943	\$ 824,891
Investments, at Fair Value	333,695,424	318,152,698
Employer Contributions Receivable	450,226	271,048
Accrued Investment Income	146,883	132,315
Other Assets	-	7,001
	<hr/>	<hr/>
Total Assets	<u>\$ 334,904,476</u>	<u>\$ 319,387,953</u>
<u>Liabilities and Fund Balance</u>		
Liabilities:		
Accounts Payable	\$ 177,565	\$ 174,651
Payable for Cash Collateral on Loaned Securities	494,868	537,935
	<hr/>	<hr/>
Total Liabilities	<u>672,433</u>	<u>712,586</u>
Fund Balance:		
Fund Balance, July 1	318,675,367	306,925,353
Net Gain (Loss) - Year to Date	15,556,676	11,750,014
	<hr/>	<hr/>
Total Fund Balance	<u>334,232,043</u>	<u>318,675,367</u>
Total Liabilities and Fund Balance	<u>\$ 334,904,476</u>	<u>\$ 319,387,953</u>

CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2006

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund:</u>					
CMT05-00171	08/23/05	Advertising of City's Zoning Ordinance and Mapping	Residual Fringe Benefits	City Clerk/ Planning, Building and Development	\$ 42,100
CMT05-00222	10/25/05	HVAC System for PWSC Renovation of Solid Waste	Building Maintenance	PWSC Upgrade Phase I and II	25,000
CMT05-00224	11/02/05	Vehicle replacement	Jail	Fleet Management-Nonoperating	23,900
CMT05-00233	11/02/05	Consulting for Jail and Courthouse Surveillance	Jail	Staff Contractors and Consultants	30,765
CMT05-00245	11/02/05	Holiday Decorations	Residual Fringe Benefits	Parks	54,000
CMT05-00247	11/14/05	Deer Management Program	Residual Fringe Benefits	Police-Animal Control	59,543
CMT05-00285	12/23/05	Employee Tuition Assistance	Contingency-General Fund	Human Resources	15,000
CMT05-00286	12/20/05	Fire/EMS Station Study	Residual Fringe Benefits	Fire-Administration	62,400
CMT05-00271	01/12/06	Telecommunications Overtime	Police-Services	Telecommunications	10,000
CMT06-00009	02/06/06	Community Based Corrections Plan	Residual Fringe Benefits	Jail	40,045
CMT06-00038	03/10/06	Housing Strategic Plan	Residual Fringe Benefits	Housing and Neighborhood Services	13,070
CMT06-00047	03/10/06	Vehicle Replacement	Jail	Fleet Management-Nonoperating	24,500
CMT06-00052	03/29/06	Amphitheater Market Demand Study	Residual Fringe Benefits	Amphitheater Market Demand Study	35,000
CMT06-00052	03/29/06	Mill Mountain Theatre Joint Ticketing/Marketing	Residual Fringe Benefits	Memberships and Affiliations	15,664
CMT06-00069	05/02/06	Program Specific Grant/ Citizen Donated Funds	Contingency - General Fund	Police Patrol and Police Services	16,595
CMT06-00084	05/08/06	Vehicle Replacement	Jail	Fleet Management-Nonoperating	22,000
CMT06-00096	06/01/06	Old YMCA Building Acquisition and Asbestos Abatement	Residual Fringe Benefits	YMCA Aquatic Center	21,302
CMT06-00096	06/01/06	Old YMCA Building Acquisition and Asbestos Abatement	Residual Fringe Benefits	RRHA / Property Acquisition	8,963
CMT06-00100	05/23/06	Additional Funding for Assessment Appeal Process	Miscellaneous	Board of Equalization	10,978
CMT06-00139	06/13/06	Professional Services Expenses Higher than Anticipated	Occupational Health Clinic	Human Resources	15,000
CMT06-00150	06/24/06	Payment to Downtown Roanoke Inc and Williamson Road Business District for Excess District Tax Collected	Miscellaneous	Memberships and Affiliations	11,932

CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2006
(CONTINUED)

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund (continued):</u>					
CMT06-00151	06/26/06	Property Acquisition at 806 Marshall Avenue	Residual Fringe Benefits	RRHA / Property Acquisition	9,540
CMT06-00151	06/26/06	Library Planning Study	Residual Fringe Benefits	Library Planning Study	6,183
CMT06-00160	07/13/06	Storm Drain GIS Project	Transportation - Streets & Traffic	Storm Drain GIS Project	52,777
CMT06-00160	07/13/06	Gateway Signage	Transportation - Engineering and Operations	Gateway Signage	35,000
CMT06-00184	08/03/06	Supplies, Training and Development Expenses Higher than Anticipated	Custodial Services and Building Maintenance	Purchasing and Director of General Services	16,600
CMT06-00185	08/03/06	Salaries Expenses Higher than Anticipated	Occupational Health Clinic	Human Resources	8,160
CMT06-00185	08/03/06	Salaries Expenses Higher than Anticipated	Transportation - Streets & Traffic	Human Resources	1,840
CMT06-00187	08/03/06	Fleet Expenses Higher than Anticipated	Transportation - Engineering and Operations	Director of Public Works	1,900
CMT06-00187	08/03/06	Electric Expenses Higher than Anticipated	Transportation - Engineering and Operations	Solid Waste Management - Refuge/Recycle	36,500
CMT06-00191	08/04/06	Risk Management Miscellaneous Claims Higher than Anticipated	Police - Administration	Crisis Intervention	22,500
CMT06-00193	08/03/06	Weed and Trash Expenses Higher than Anticipated	Parks	Housing & Neighborhood Services	14,200
CMT06-00194	08/09/06	Workers Compensation Medical Expenses Higher than Anticipated	Contingency - General Fund	Jail	18,995
CMT06-00198	08/14/06	Accrual of KPMG Auditing Services	Residual Fringe Benefits	Municipal Auditing	45,000
Total General Fund					<u>\$ 826,952</u>
<u>Capital Projects Fund:</u>					
CMT05-00222	10/25/05	HVAC System for PWSC Renovation of Solid Waste	Building Maintenance-General Fund	PWSC Upgrade Phase I and II	\$ 25,000
CMT05-00267	12/01/05	HVAC System for PWSC Renovation of Solid Waste	Facilities Management-BCAP Projects	PWSC Upgrade Phase I and II	75,000
CMT06-00040	03/23/06	10th Street Widening Project	VDOT Highway Projects	10th Street Widening Project	42,120
CMT06-00052	03/29/06	Amphitheater Market Demand Study	Residual Fringe Benefits	Amphitheater Market Demand Study	35,000

CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2006
(CONTINUED)

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>Capital Projects Fund (continued):</u>					
CMT06-00064	05/01/06	Williamson Road Fire Station Design Services Contract	Fire/EMS Station #3 Melrose Avenue	Fire/EMS Station #5 Williamson Road	140,000
CMT06-00067	05/02/06	Aviation and Towne Square Intersection Improvements	VDOT Highway Projects	Aviation & Towne Square Boulevard	70,000
CMT06-00079	05/15/06	Utilize Remaining Balance for Closing Capital Project	Trevino Drive Phase II Design Fee	Miscellaneous Storm Drains	6,146
CMT06-00079	05/15/06	Utilize Remaining Balance for Closing Capital Project	Harvest Drain Design Fee	Miscellaneous Storm Drains	11,336
CMT06-00079	05/15/06	Utilize Remaining Balance for Closing Capital Project	Ohio/Courtland Design Fee	Miscellaneous Storm Drains	20,471
CMT06-00080	05/17/06	13th Street and Hollins Road Project	VDOT Highway Budget Project	13th Street Widening	72,000
CMT06-00096	06/01/06	Old YMCA Building Acquisition and Asbestos Abatement	Capital Improvements Reserve	YMCA Aquatic Center	77,419
CMT06-00096	06/01/06	Old YMCA Building Acquisition and Asbestos Abatement	Capital Improvements Reserve	RRHA / Property Acquisition	32,581
CMT06-00096	06/01/06	Old YMCA Building Acquisition and Asbestos Abatement	Residual Fringe Benefits	YMCA Aquatic Center	21,302
CMT06-00096	06/01/06	Old YMCA Building Acquisition and Asbestos Abatement	Residual Fringe Benefits	RRHA / Property Acquisition	8,963
CMT06-00149	06/26/06	Williamson Road Fire Station Design Services Contract	Fire/EMS Facilities Administrative Improvements Program	Fire/EMS Station #5 Williamson Road	55,000
CMT06-00155	06/26/06	Utilize Excess Project Funding	Martin Luther King Jr Memorial Bridge	Capital Improvements Reserve	273,800
CMT06-00156	06/26/06	Library Planning Study	Facilities Management - BCAP Project	Library Planning Study	74,781
Total Capital Projects Fund					<u>\$ 1,040,919</u>
<u>Department of Technology Fund:</u>					
CMT05-00233	11/02/05	Consulting for Jail and Courthouse Surveillance	Jail	Staff Contractors and Consultants	\$ 30,765
CMT06-00160	07/13/06	Storm Drain GIS Project	Transportation - Streets & Traffic	Storm Drain GIS Project	52,777
Total Department of Technology Fund					<u>\$ 83,542</u>
<u>Fleet Management Fund:</u>					
CMT05-00224	11/02/05	Vehicle Replacement	Jail	Fleet Management-Nonoperating	\$ 23,900
CMT06-00047	03/10/06	Vehicle Replacement	Jail	Fleet Management-Nonoperating	24,500
CMT06-00084	05/08/06	Vehicle Replacement	Jail	Fleet Management-Nonoperating	22,000
Total Fleet Management Fund					<u>\$ 70,400</u>

CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2006
(CONTINUED)

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>To</u>	<u>Amount</u>
<u>Available Contingency</u>				
Balance of Contingency at July 1, 2005				\$ 839,063
Contingency Transfers:				
CMT05-00192	09/01/05	Health Department Sexually Transmitted Disease Nurse Position	Health Department	(18,169)
CMT05-00205	09/20/05	Crystal Springs Streetscape Project Plan and Cost Estimate	Crystal Springs Streetscape	(25,000)
CMT05-00208	09/22/05	Hurricane Katrina Relief Efforts	Memberships and Affiliations	(10,000)
CMT05-00220	11/07/05	Geotechnical Investigation of Loudon and Gainsboro Site	Engineering	(2,750)
CMT05-00251	11/16/05	Consulting for Stormwater Management	Stormwater Management Ordinance	(40,912)
CMT05-00283	12/19/05	Electric Rate Study	Transportation-Street Lighting	(31,842)
CMT05-00288	01/05/06	Litigation Costs	Economic Development	(67,477)
CMT05-00295	01/05/06	Event Zone	Parks and Recreation-Administration	(33,540)
CMT06-00009	02/06/06	City of Roanoke Annual Report	Office of Communications	(23,021)
CMT06-00017	02/27/06	Non-aviation Land Lease Costs Countryside Golf Course	Countryside Golf Course	(2,038)
CMT06-00033	02/28/06	1,000 Tons of Bulk Salt	Transportation - Snow Removal	(58,100)
CMT06-00034	03/10/06	Litigation Costs	Economic Development	(32,368)
CMT06-00046	03/10/06	Municipal Calendar	Office of Communications	(5,310)
CMT06-00052	03/29/06	Local Colors	Parks and Recreation - Administration	(520)
CMT06-00061	04/26/06	Process/Work Flow and Organization Assessment	Engineering	(17,738)
CMT06-00083	05/08/06	Public Works Lunch	Transportation - Engineering and Operations	(2,200)
CMT06-00106	06/01/06	Juror Services Expenses Higher than Anticipated	Circuit Court	(15,062)
CMT06-00117	06/01/06	Promotion of Roanoke Brand Image	Office of Communication	(21,609)
CMT06-0118	06/07/06	Major Plumbing Repair and Larger than Expected Gas Bill	Market Building Operations	(37,200)

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
JUNE 30, 2006
(CONTINUED)**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>To</u>	<u>Amount</u>
CMT06-00150	06/26/06	Provide Funding for Contributions	Memberships and Affiliations	(19,500)
CMT06-00163	07/07/06	Publications for Feral Cat Committee	City Manager	(603)
CMT06-00181	08/09/06	Postage Expenses Higher than Anticipated	Treasurer	(12,300)
CMT06-00181	08/09/06	Meal Expenses Higher than Anticipated	City Manager	(1,160)
CMT06-00181	08/09/06	Telephone Expenses Higher than Anticipated	Magistrates Office	(35)
CMT06-00181	08/09/06	Salary Expenses Higher than Anticipated	Municipal Auditing	(515)
CMT06-00182	08/09/06	Additional Funding for Residential Detention Services	Juvenile and Domestic Relations Court Services	(126,000)
CMT06-00183	08/09/06	Additional Local Match for Grants	Transfers To Other Funds	(6,175)
CMT06-00183	08/09/06	Countryside Bond and Bond Anticipation Note Interest	Debt Service Fund	(138,070)
CMT06-00183	08/09/06	Maintenance Expenses Higher than Anticipated	Market Building Operations	(5,500)
Contingency Increases/(Appropriations) Through Budget Ordinances:				
BO37073-1	06/06/05	Inner City Athletic Association	Human Services Committee	(5,000)
BO37114-02	07/05/05	Additional Social Worker Positions	Social Services - Services	(39,026)
BO37351	05/01/06	Arts Festival Manager	City Manager	(10,849)
BO37414-1	06/09/06	VDEM Flood Damage Reimbursement for September 2004 Flood	Flood Damage Reimbursement	20,092
BO37424-3	06/24/06	Certified Local Government Grant Local Match	Certified Local Government Grant	(10,000)
Available Contingency at June 30, 2006				<u>\$ 39,566</u>

Notes:

Under City Code section 2-121, the City Manager has authority to make transfers up to \$75,000 between departments from July through March and in any amount from April to June. The City Manager has the authority to make unlimited transfers within departments. The scope of this report is limited to interdepartment transfers that are \$10,000 or greater.

City of Roanoke School Board

7. a.

P.O. Box 13145, Roanoke VA 24031 ■ 540-853-2381 ■ FAX 540-853-2951

David B. Carson,
Chair

August 21, 2006

Alvin L. Nash,
Vice Chair

Jason E. Bingham
Mae G. Huff
William H. Lindsey
Courtney A. Penn
Todd A. Putney

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Marvin T. Thompson,
Superintendent

Dear Members of Council:

Cindy H. Poulton,
Clerk of the Board

As the result of official School Board action at its meeting on August 8, the Board approved the attached resolution to participate in the VPSA School Financing Bonds (1997 Resolution) Series 2006 B program. The proceeds of the bond issue will be used in lieu of the Literary Fund loan approved by the City for the Monterey Elementary School project. The School Board will pay the debt service on the VPSA School Financing Bonds.

The use of the bond issue provides:

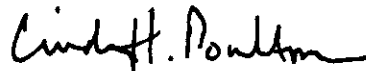
- The debt will not count against the \$20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2007-08 fiscal year.

Under the Public Finance Act, a public hearing on the issuance of the VPSA bonds for Monterey Elementary School must be held before the bonds may be issued. Accordingly, the School Board requests that Council authorize publication of a notice of public hearing for a public hearing on the issuance of these bonds, and authorize such public hearing to be held at Council's September 18, 2006 meeting.

Members of Council
Page 2
August 21, 2006

The Roanoke City School Board appreciates the assistance of the City Administration in conducting the necessary public hearing required for participation in the VPSA bond issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy H. Poulton". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Cindy H. Poulton
Clerk of the Board

re

Enc.

cc: Mr. David Carson
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall

August 8, 2006

RESOLUTION AUTHORIZING CERTAIN IMPROVEMENTS, AUTHORIZING AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR BOND FINANCING, AND REQUESTING ROANOKE CITY COUNCIL TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL PURPOSES

BE IT RESOLVED:

- 1) The School Board of the City of Roanoke, Virginia hereby (i) approves capital improvements for the renovation of Monterey Elementary School at an estimated cost of \$2.8 Million (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking bond financing in an amount not to exceed \$2.1 Million, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed \$2.1 Million, for the purpose of financing a portion of the cost of the Project.
- 2) This resolution shall take effect immediately by the following recorded vote:

	Yea	Nay
David B. Carson, Chair	_____	_____
Alvin L. Nash, Vice Chair	_____	_____
Jason E. Bingham	_____	_____
Mae G. Huff	_____	_____
William H. Lindsey	_____	_____
Courtney A. Penn	_____	_____
Todd A. Putney	_____	_____

The undersigned Clerk of the School Board of the City of Roanoke, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the 8th day of August, 2006.

WITNESS, my signature and seal of the School Board of the City of Roanoke, Virginia, this 8th day of August, 2006.

(SEAL)

Clerk, School Board of City of Roanoke, Virginia



CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Authorization to Publish a Notice of Public Hearing

As the result of official School Board action at its meeting on August 8, the Board approved the attached resolution to participate in the VPSA School Financing Bonds (1997 Resolution) Series 2006 B program. The proceeds of the bond issue will be used in lieu of the Literary Fund loan approved by the City for the Monterey Elementary School project. The School Board will pay the debt service on the VPSA School Financing Bonds.

The use of the bond issue provides:

- The debt will not count against the \$20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2007-08 fiscal year.

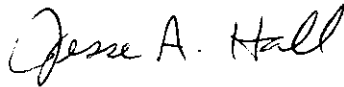
Under the Public Finance Act, a public hearing on the issuance of the VPSA bonds for Monterey Elementary School must be held before the bonds may be issued. Accordingly, the School Board requests that Council authorize publication of a notice for a public hearing on the issuance of these bonds, and authorize such public hearing to be held at Council's September 18, 2006 meeting.

Honorable Mayor and Members of Council
August 21, 2006
Page 2

Authorization for issuance of up to \$2.1 million in VPSA bonds is requested. City Council has previously authorized the School Board to apply for a Literary Fund loan in the amount of \$2 million, and City Council has also appropriated the same to a project account in the School Capital Projects Fund. The amount of potential issuance has been increased to \$2.1 million to anticipate the possibility that the bonds would be issued at a discount. If this were to occur, proceeds in the amount of \$2 million would still be needed, therefore the requested issuance amount has been increased to accommodate this potential. This change will not have a significant impact on debt capacity and limits under our debt policy.

We recommend that you concur with the School Board's request to conduct the necessary public hearing required for participation in the VPSA bond issue.

Sincerely,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall
Director of Finance

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools

City of Roanoke School Board

7. b.

P.O. Box 13145, Roanoke VA 24031 ■ 540-853-2381 ■ FAX 540-853-2951

David B. Carson,
Chair

Alvin L. Nash,
Vice Chair

Jason E. Bingham
Mae G. Huff
William H. Lindsey
Courtney A. Penn
Todd A. Putney

Marvin T. Thompson,
Superintendent

Cindy H. Poulton,
Clerk of the Board

August 21, 2006

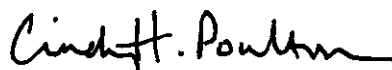
The Honorable C. Nelson Harris, Mayor
And Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its August 8 meeting, the Board respectfully requests City Council to approve a State Literary Fund loan application in the amount of \$7.5 million for improvements to William Fleming High School. The loan application includes a resolution for architectural supervision. The debt service on the loan will increase the Board's debt service expenditure by \$600,000 commencing in FY2008-09, but no debt service liability is incurred until funds are drawn against the loan account.

The Board appreciates the approval of this request.

Sincerely,



Cindy H. Poulton
Clerk of the Board

re

Enc.

cc: Mr. David Carson
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Newman

No. _____

APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIAName of School William Fleming High School Name of ~~XXX~~ City Roanoke

TO THE STATE BOARD OF EDUCATION,

Richmond, Virginia:

Gentlemen:

The School Board for the ~~XXX~~ County-City of Roanoke hereby makes application for a

loan of \$ \$7.5 million from the Literary Fund of Virginia for the purpose of erecting, enlarging, or altering (making permanent improvement to) a school building located at 3649 Ferncliff Avenue, N. W. as follows:
 (Describe briefly) Roanoke, VA 24017

1. The said building, addition, or permanent improvement described above, to be of Brick
 (Type of construction, brick, frame, etc.)

will be used as a High School building, and is estimated to cost \$ \$7.5 million.
 (Elem., H. S., Comb. Elem. & H.S.)

2. The total estimated value of the existing school plant, including site, plus the proposed building addition, or permanent improvement thereto, is \$ \$53,425,455.

3. There is at present a loan from the Literary Fund on this William Fleming High School in the amount
 (Building or school plant)
 of \$ 0.

4. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereto, and site, on account of which such loan is made.

5. The site on which this building, addition, or permanent improvement, will be located contains 30 acres, of which 30 acres are well suited and useable, or can be easily improved and made useable, for playground and recreational purposes.

6. The plans and specifications for the building or improvement, complying with Minimum School Building Requirements, have been or will be approved by the division superintendent of schools and the Superintendent of Public Instruction before construction is begun. It is understood that the State Board of Education reserves the right to withhold any part or all of the amount of this loan, if the plans and specifications approved by the Superintendent of Public Instruction are not followed.

7. The proposed building, addition, or permanent improvement, is desirable because: (Explain briefly)

Construct a new school to meet the curriculum and program needs of the 21st Century.

8. The present total indebtedness of the County-City for school buildings is \$86,712,104 of which \$4,952,000 is owed to the Literary Fund.

9. This County-City ~~XXXX~~ has not defaulted or failed to meet its debt service obligations as and when due for the five years except, as follows: None

10. Adequate and satisfactory supervision of construction will be provided by the school board in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education.

11. The building or improvement for which this application for a loan is made is part of a long-range planning program in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education, and is recommended in the study or survey made by (give title and date) _____

Five-Year Capital Improvement Plan, FY2006-10

12. This loan is to be made for 20 years, and is to be paid in 20 annual installments, with interest at the rate of 3 per centum per annum, payable annually.

13. The Board of Supervisors for the County, or the Council for the City, has by resolution (page 3 of this application agreed to provide for the repayment of this loan.

14. The School Board is not in default in the payment of any part of the principal of any previous loan from the Literary Fund and, for at least two years immediately before this loan, has not been more than six months in default in the payment of interest due on any loan from the Literary Fund.

Given under my hand this the _____ day of _____, 19____

THE SCHOOL BOARD OF _____ ~~County-City~~ ~~XXXX~~

By _____, Chairman

ATTEST: _____, Clerk

SEAL

August 8, 2006

R E S O L U T I O N

WHEREAS, the Roanoke City School Board is in the process of developing and approving the design plans for William Fleming High School and actual construction is scheduled to proceed in June, 2007; and

WHEREAS, State Literary Fund Loan regulations require that professional supervision be provided by the School Board for all projects funded by Literary Fund loans.

THEREFORE, BE IT RESOLVED that the Roanoke City School Board agrees to retain professional services (the architectural firms of Rife & Wood and Perkins and Will) to supervise the construction/improvements for William Fleming High School.

Marvin T. Thompson
Superintendent

David B. Carson
Chair



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
 Honorable David B. Trinkle, Vice-Mayor
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Beverly T. Fitzpatrick, Jr., Council Member
 Honorable Sherman P. Lea, Council Member
 Honorable Gwendolyn W. Mason, Council Member
 Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: State Literary Fund Loan Application

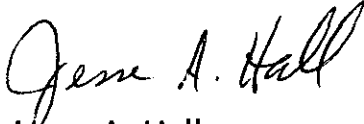
As the result of official School Board action at its meeting on August 8, the Board has respectfully requested that City Council approve a State Literary Fund loan application in the amount of \$7.5 million for improvements to William Fleming High School. The loan application includes a resolution for architectural supervision. The debt service on the loan will increase the Board's debt service expenditure by \$600,000, commencing as early as FY2008-09, but no debt is incurred until funds are drawn against the loan account.

The William Fleming High School construction project is included in the City's adopted Capital Improvement Program. The project will begin in the summer of 2007 and should conclude in the summer of 2010. Debt issuance is planned by the City in FY08 and FY09. The Literary Fund loan is currently included in the City's planned debt issuance schedule for issuance in FY09 with debt service commencing in FY10. The application for this Literary Fund loan should be made now so that the Schools can get on the waiting list for funding. We anticipate that the ultimate timing of issuance will remain consistent with our original plans whereby debt service will likely begin in FY10. Debt service on this loan will be funded by the Schools. Additionally, the Schools are prepared to cover interim cash flow needs until that time when debt issuance takes place.

We recommend that you concur with this request of the School Board, and adopt a resolution to approve the State Literary Fund loan application as requested above. We also recommend that you adopt a resolution to declare the City's intent to reimburse itself using the proceeds of this debt for any expenditures incurred prior to issuance.

Honorable Mayor and Members of Council
August 21, 2006
Page 2

Sincerely,

A handwritten signature in black ink that reads "Jesse A. Hall". The signature is written in a cursive style with a large, stylized "J" and "H".

Jesse A. Hall
Director of Finance

JAH/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools

OW

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for adding to and modernizing William Fleming High School.

WHEREAS, the School Board for the City of Roanoke, on the 21st day of August, 2006, presented to this Council an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$7.5 million for constructing new school buildings at William Fleming High School, to be paid in twenty (20) annual installments, and the interest thereon at three percent (3%) paid annually.

BE IT RESOLVED that the application of the City School Board to the State Board of Education of Virginia for a loan of \$7.5 million from the Literary Fund is hereby APPROVED, and authority is hereby granted the City School Board to borrow the amount for the purpose set out in application.

The Council of the City of Roanoke will each year during the life of this loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for appropriation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

ATTEST:

City Clerk.

City of Roanoke School Board

7. c.

P.O. Box 13145, Roanoke VA 24031 ■ 540-853-2381 ■ FAX 540-853-2951

David B. Carson,
Chair

Alvin L. Nash,
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Todd A. Putney

Marvin T. Thompson,
Superintendent

Cindy H. Poulton,
Clerk of the Board

August 21, 2006

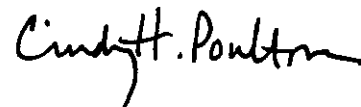
The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on August 8, the Board respectfully requests City Council to appropriate \$7,500,000.00 in Literary Fund loan funds to provide for a portion of the cost of the construction for the new William Fleming High School.

The Board thanks you for your approval of the above request.

Sincerely,



Cindy H. Poulton, Clerk

re

cc: School Board Chairman
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Newman (with
Accounting details)



CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: School Board Appropriation Request

As the result of official School Board action at its meeting on August 8, the Board has respectfully requested that City Council appropriate \$7,500,000 in Literary Fund loan funds to provide for a portion of the cost of the construction for the new William Fleming High School.

The application for Literary Loan Funds is planned for this fall to ensure the Schools are placed on the waiting list at an appropriate time. Appropriation of funds will enable the Schools to proceed with initial stages of the project such as contracting for construction management services, additional architectural design services and other planning.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as requested above.

Sincerely,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall

Director of Finance

JAH/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate Literary Loan Funds for renovation of the William Fleming High School, amending and reordaining certain sections of the 2006-2007 School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 School Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Appropriation From Literary
Loan/VPSA Bonds

31-065-6070-9006-6896 \$7,500,000

Revenues

Literary Loan William Fleming High
School

31-065-6070-1459 7,500,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for constructing new school buildings at William Fleming High School and declaring the City's intent to borrow to fund or reimburse such expenditures.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The School Board of the City of Roanoke is authorized to expend out of the City's capital improvement fund up to \$7.5 million for the cost of constructing new school buildings at William Fleming High School ("the Project").

2. In accordance with U. S. Treasury Regulations §1.150-2, it is hereby declared that the City reasonably expects to reimburse capital expenditures and bond issuance costs for the Project with proceeds of an obligation or obligations to be incurred by the School Board and/or the City. The maximum principal amount of debt expected to be issued for the Project is \$7.5 million.

3. This is a declaration of official intent under Treasury Regulation §1.150-2.

ATTEST:

City Clerk.

City of Roanoke School Board

7. d.

P.O. Box 13145, Roanoke VA 24031 ■ 540-853-2381 ■ FAX 540-853-2951

David B. Carson,
Chair

Alvin L. Nash,
Vice Chair

Jason E. Bingham
Mae G. Huff
William H. Lindsey
Courtney A. Penn
Todd A. Putney

Marvin T. Thompson,
Superintendent

Cindy H. Poulton,
Clerk of the Board

August 21, 2006

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on August 8, the Board respectfully requests City Council to appropriate monies to the following grant programs:

- \$84,997.00 for the Governor's School program to provide instruction in science and math to high school students. The program will be supported by State funds and tuition collected from participating school districts. This is a continuing program.
- \$101,844.00 for the Fallon Park 21st Century Community Learning Center. The program will address the critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This new program is one hundred percent reimbursed by federal funds.
- \$101,844.00 for the Westside 21st Century Community Learning Center. The program will address the critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This new program is one hundred percent reimbursed by federal funds.
- \$406,524.00 for the Perkins Act program to provide funds for vocational equipment and training. This continuing program is one hundred percent reimbursed by federal funds.
- \$24,221.00 for the Adult Education in the Jail program to provide funds to be used for instruction to inmates in the Roanoke City Jail to aid in their acquisition of the GED certificate. This continuing program is reimbursed by federal funds and by fees.

Members of Council
August 21, 2006
Page 2

- \$34,500.00 for the Roanoke City Leadership and Resilience program to provide family service training for Roanoke City Public School staff. This new program is one hundred reimbursed by federal funds.

The Board thanks you for your approval of the above requests.

Sincerely,



Cindy H. Poulton, Clerk

re

cc: School Board Chairman
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Newman (with
Accounting details)



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ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: School Board Appropriation Request

As the result of official School Board action at its meeting on August 8, the Board has respectfully requested that City Council appropriate the following grants:

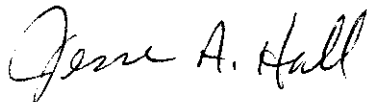
- \$84,997 for the Governor's School program to provide instruction in science and math to high school students. The program will be supported by State funds and tuition collected from participating school districts. This is a continuing program.
- \$101,844 for the Fallon Park 21st Century Community Learning Center. The program will address the critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This new program is one hundred percent reimbursed by federal funds.
- \$101,844 for the Westside 21st Century Community Learning Center. The program will address the critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This new program is one hundred percent reimbursed by federal funds.

Honorable Mayor and Members of Council
August 21, 2006
Page 2

- \$406,524 for the Perkins Act program to provide funds for vocational equipment and training. This continuing program is one hundred percent reimbursed by federal funds.
- \$24,221 for the Adult Education in the Jail program to provide funds to be used for instruction to inmates in the Roanoke City Jail to aid in their acquisition of the GED certificate. This continuing program is reimbursed by federal funds and by fees.
- \$34,500 for the Roanoke City Leadership and Resilience program to provide family service training for Roanoke City Public School staff. This new program is one hundred percent reimbursed by federal funds.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,



Jesse A. Hall
Director of Finance

JAH/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth and Federal governments as well as from fees to support various school grants and programs, amending and reordaining certain sections of the 2006-2007 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 School Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Compensation of Teachers	30-062-6344-0121-6146	\$(27,001)
Compensation of Counselors	30-062-6344-0123-6146	692
Retirement-HIC-VRS	30-062-6344-0200-6146	(413)
Social Security	30-062-6344-0201-6146	(2,035)
Retirement VRS	30-062-6344-0202-6146	17,951
Health Insurance	30-062-6344-0204-6146	12,279
Group Life Insurance	30-062-6344-0205-6146	7,504
Books and Subscriptions	30-062-6344-0613-6146	1,313
Educational and Recreational Supplies	30-062-6344-0614-6146	2,400
Compensation of Principals	30-062-6344-0126-6319	3,468
Compensation of Clerical	30-062-6344-0151-6319	(344)
Retirement-HIC-VRS	30-062-6344-0200-6319	590
Social Security	30-062-6344-0201-6319	239
Retirement VRS	30-062-6344-0202-6319	3,903
Health Insurance	30-062-6344-0204-6319	1,029
Group Life Insurance	30-062-6344-0205-6319	1,506
Educational and Recreational Supplies	30-062-6344-0614-6346	5,000
Additional Machinery and Equipment	30-062-6344-0821-6346	65,158
Compensation of Custodians	30-062-6344-0192-6681	522
Social Security	30-062-6344-0201-6681	40
Retirement - Other	30-062-6344-0203-6681	45
Health Insurance	30-062-6344-0204-6681	790
Interest	30-062-6344-0902-6998	(9,639)
Compensation of Supervisors	30-062-6346-0124-6000	(3,360)
Compensation of Teacher Aides	30-062-6346-0141-6000	39,160

Compensation of Clerical	30-062-6346-0151-6000	(5,573)
Retirement-HIC-VRS	30-062-6346-0200-6000	(115)
Social Security	30-062-6346-0201-6000	2,271
Retirement VRS	30-062-6346-0202-6000	(1,518)
Health Insurance	30-062-6346-0204-6000	(2,440)
Indirect Costs	30-062-6346-0212-6000	1,302
Other Professional Services	30-062-6346-0313-6000	12,495
Conventions/Education	30-062-6346-0554-6000	1,519
Field Trips	30-062-6346-0583-6000	12,500
Educational and Recreational Supplies	30-062-6346-0614-6000	35,603
Additional Machinery and Equipment	30-062-6346-0821-6000	10,000
Compensation of Supervisors	30-062-6347-0124-6000	(3,360)
Compensation of Teacher Aides	30-062-6347-0141-6000	39,160
Compensation of Clerical	30-062-6347-0151-6000	(5,573)
Retirement-HIC-VRS	30-062-6347-0200-6000	(115)
Social Security	30-062-6347-0201-6000	2,271
Retirement VRS	30-062-6347-0202-6000	(1,518)
Health Insurance	30-062-6347-0204-6000	(2,440)
Indirect Costs	30-062-6347-0212-6000	1,302
Other Professional Services	30-062-6347-0313-6000	12,495
Conventions/Education	30-062-6347-0554-6000	1,519
Field Trips	30-062-6347-0583-6000	12,500
Educational and Recreational Supplies	30-062-6347-0614-6000	35,603
Additional Machinery and Equipment	30-062-6347-0821-6000	10,000
Additional Machinery and Equipment	30-062-6702-0821-6133	231,891
Additional Machinery and Equipment	30-062-6702-0821-6136	30,000
Additional Machinery and Equipment	30-062-6702-0821-6137	11,123
Supplements	30-062-6702-0129-6138	39,944
Social Security	30-062-6702-0201-6138	3,056
Additional Machinery and Equipment	30-062-6702-0821-6138	90,510
Compensation of Teachers	30-062-6703-0121-6550	22,500
Social Security	30-062-6703-0201-6550	1,721
Compensation of Teachers	30-063-6903-0121-6315	2,000
Compensation of Counselors	30-063-6903-0123-6315	1,600
Compensation of Supervisors	30-063-6903-0124-6315	2,600
Social Security	30-063-6903-0201-6315	640
Other Professional Services	30-063-6903-0313-6315	26,802
Conventions/Education	30-063-6903-0554-6315	858
Revenues		
State Grant Receipts	30-062-6344-1100	40,099
Fees	30-062-6344-1103	44,898
Federal Grant Receipts	30-062-6346-1102	101,844
Federal Grant Receipts	30-062-6347-1102	101,844

Federal Grant Receipts	30-062-6702-1102	406,524
Federal Grant Receipts	30-062-6706-1102	16,416
Fees	30-062-6706-1103	7,805
Federal Grant Receipts	30-063-6903-1102	34,500

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Mayor
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Aaron and Kelly Athey to permanently vacate, discontinue and close a portion of an alleyway off of Arbutus Avenue, S.E., running between lots located at 716 and 724 Arbutus Avenue, S.E., such lots bearing Official Tax Nos. 4160304 and 4160305.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 20, 2006. By a vote of 5-0 (Messrs. Chrisman and Manetta absent), the Commission recommended that the alleyway be permanently vacated, discontinued and closed.

Background:

The petitioners own one of the adjoining properties; 716 Arbutus Avenue. The owner of the other adjoining property at 724 Arbutus Avenue has agreed to allow the petitioners to acquire the entire portion of the alley in this request.

Mr. Williams asked staff about access to the Petitioner's property and to the Roanoke River Greenway. Staff replied that the alley dead ends at City property where the greenway will be connected and the Petitioner's only options for vehicular access are the existing curb cut or on-street parking. Mr. Williams asked about other access points to the greenway in the area. Staff replied that several street terminate at the greenway. Mr. Williams asked staff to clarify that the City has no future plans for the alley, to which staff affirmed was correct.

Considerations:

The properties adjoining the alley are zoned R-5, Residential Single-family District. The adjoining properties, as well as most in the neighborhood, are single-family residences. To the north and east of the alley are vacant City-owned properties that were acquired as part of the Roanoke River Flood Reduction Project.

Staff received comments from the Western Virginia Water Authority, Verizon, AEP and Roanoke Gas. All stated that their facilities would not be impacted by the vacation of the subject portion of alley. Staff did not receive any other correspondence supporting or opposing the request.

The subject portion of alley is a paper alley and does not serve any function for City services. The subject portion of alley adjoins a curb cut off of Arbutus Avenue. The width of the curb cut is roughly the same (10 feet) as the subject portion of alley. The curb cut is used for access to the petitioners' property. Staff advised the petitioners that the City would not improve the alley. Vacation of the subject portion of alley will allow the petitioners to maintain and improve access to their property.

Section 30.14 (5) of the Code of the City of Roanoke states the following standards for street and alley vacation requests:

"Following the hearing before the city planning commission on an application to alter or vacate a street or alley, the commission shall report in writing to the city council whether in its opinion, any, and if any, what inconvenience would result if the application were approved by council, and the commission shall report and make a recommendation to council as to whether the application should be approved."

Recommendation:

The Planning Commission recommends approval of the petitioner's request, subject to the conditions listed below and further recommends that the petitioner not be charged for the alley.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all

existing utilities that may be located within the right-of-way, including the right of ingress and egress.

- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,



Richard A. Rife, Chairman
City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE VIRGINIA

IN RE:)
)
Aaron W. and Kelly S. Athey) APPLICATION FOR VACATING
For vacation of an alley between 716) DISCONTINUING AND
and 724 Arbutus Avenue, S.E.) CLOSING OF ALLEY

MEMBERS OF COUNCIL:

Aaron W. and Kelly S. Athey apply to have alley, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This alley is more particularly described on the map attached and as follows:

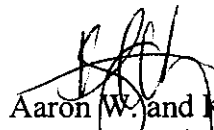
The alley is between the addresses of 716 Arbutus Avenue and 724 Arbutus Avenue, S.E.

Aaron W. and Kelly S. Athey state that the grounds for this application are as follows:

- (1) All landowners whose property adjoins the property to be vacated have been notified and are in agreement with this application. See attached letter.
- (2) The alley to be vacated is presently being used as a driveway for 716 Arbutus Avenue.
- (3) The applicant desires to use the property to be vacated for their driveway.

WHEREFORE, Aaron W. and Kelly S. Athey respectfully request that the above-described alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

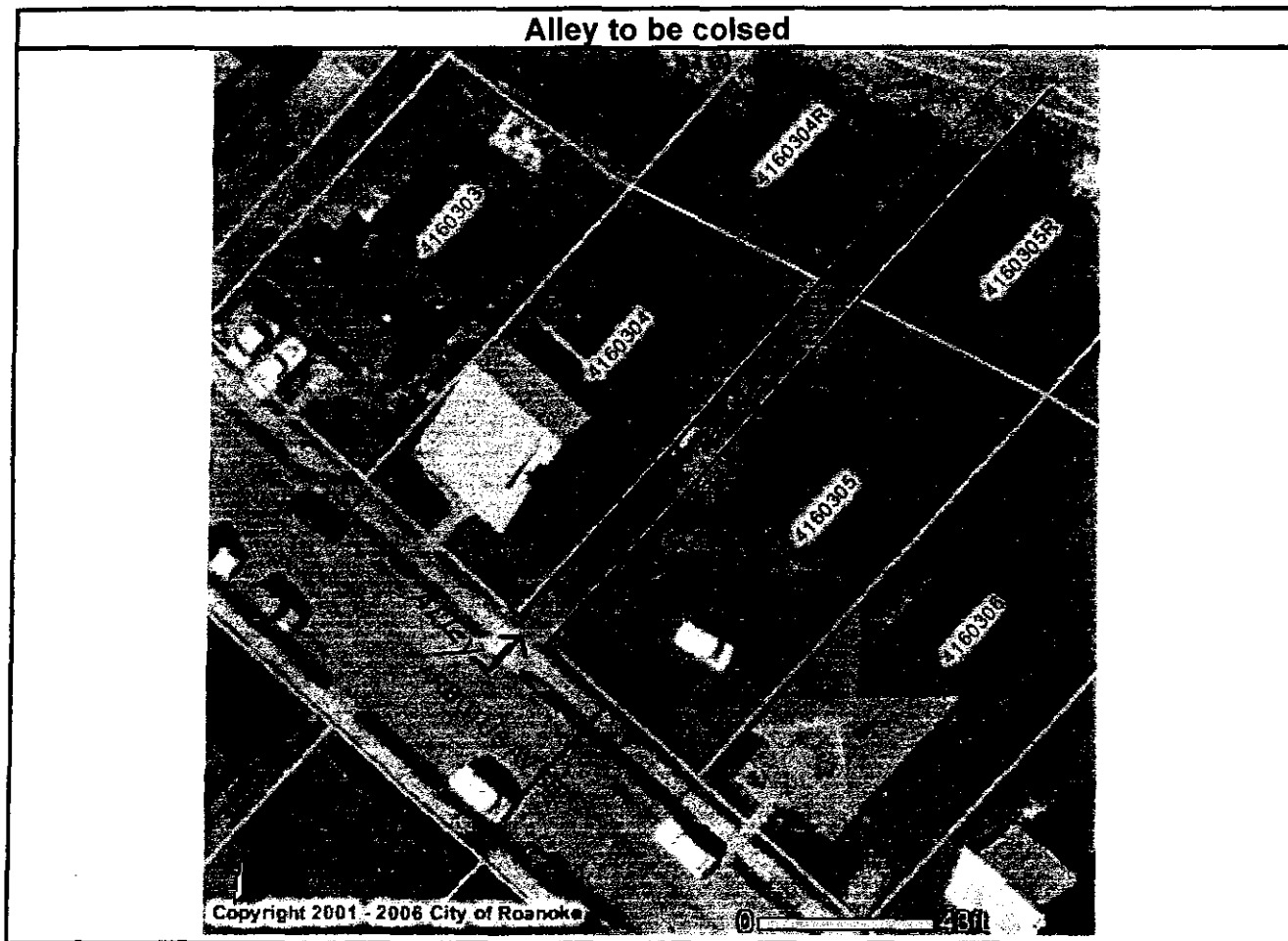
Respectfully submitted,

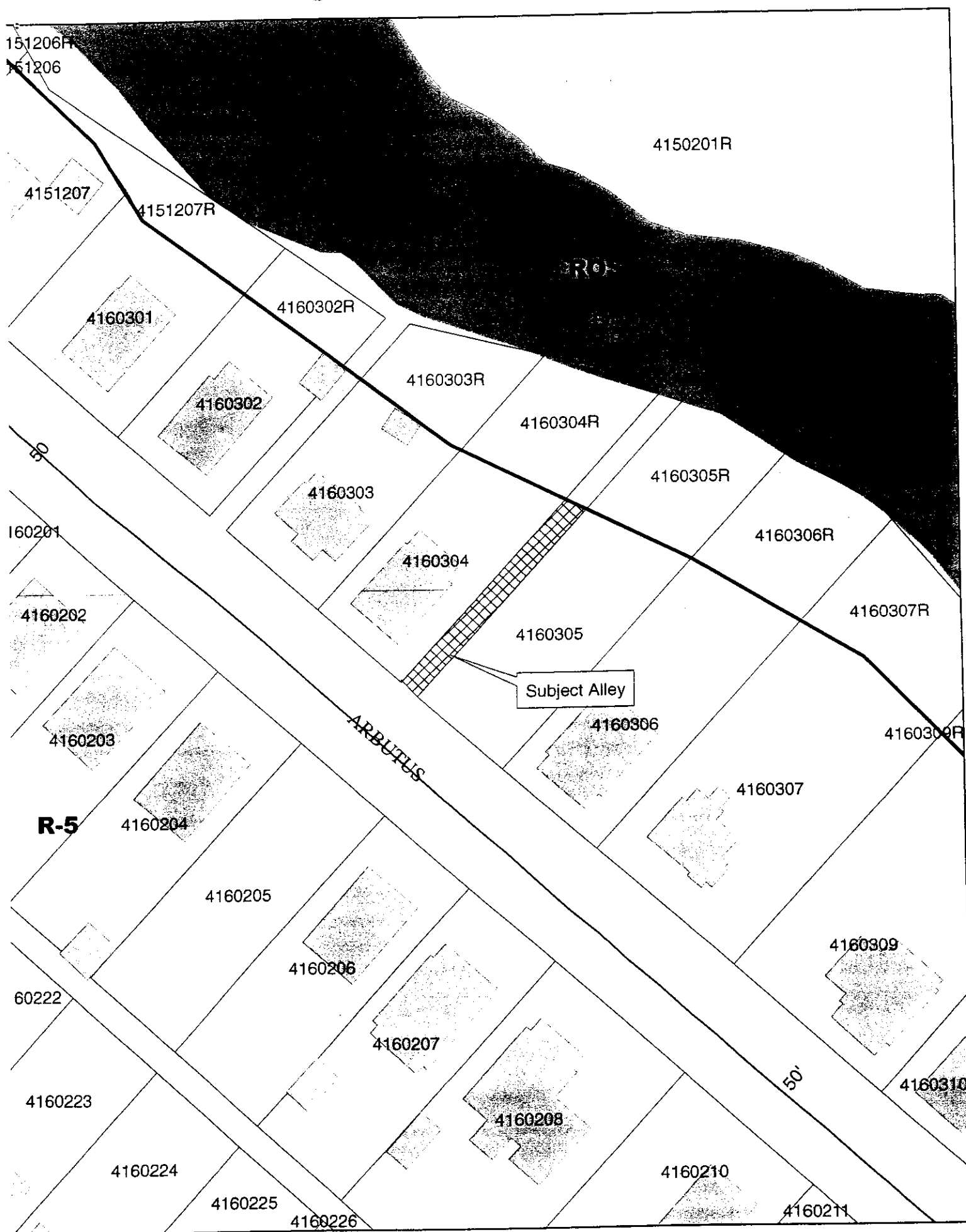

Aaron W. and Kelly S. Athey
Date 6/1/00

Aaron W. and Kelly S. Athey
716 Arbutus Avenue, S. E.
Roanoke, Virginia 24014
Home Phone: 540-427-2192
Cell Phone: (Aaron – 314-2234)
Cell Phone: (Kelly – 353-5321)

LIST OF ADJOINING PROPERTY OWNERS

Official Tax No./ Street Address	Name of Property Owner	Mailing Address
4160306 724 Arbutus Av, SE	Mrs. Ruby Tingler	724 Arbutus Avenue, SE Roanoke, VA 24014
4160304 716 Arbutus Av, SE	Aaron W. and Kelly S. Athey	716 Arbutus Avenue, SE Roanoke, VA 24014





IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE permanently vacating, discontinuing and closing a portion of an alleyway and certain public rights-of-way in the City of Roanoke, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

WHEREAS, Aaron and Kelly Athey filed an application to the Council of the City of Roanoke, Virginia ("City Council"), in accordance with law, requesting City Council to permanently vacate, discontinue and close a portion of an alleyway and certain public rights-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by City Council on August 21, 2006, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, City Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such portion of an alleyway and certain public rights-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the alleyway and certain public rights-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That certain portion of an alleyway off of Arbutus Avenue, S.E., running between lots located at 716 and 724 Arbutus Avenue, S.E., such lots bearing Official Tax Nos. 4160304 and 4160305.

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as City Council is empowered so to do with respect to the closed portion of the alleyway and rights-of-way, reserving however, to the City of Roanoke and any utility company or public authority, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sanitary sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such alleyway and public rights-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described alleyway and public rights-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicants shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the

Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the rights-of-way.

BE IT FURTHER ORDAINED that the applicants shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the applicants, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicants shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

August 21, 2006

A. 2.

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Mayor
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Pheasant Ridge Condominiums II, LL, Dalton Place, LLC, A & J Holdings, Inc., Integra Investments, LLC, Van Winkle, LLC, Pheasant Ridge Real Estate Holdings, LLC, and Pheasant Ridge Office Building, LLC, that proffered conditions on property bearing Official Tax No. 5460124, located on Pheasant Ridge Road, S.W., relating to layout of the subject property, permitted uses, exterior materials, recreational amenities, and landscape buffering, be repealed and that such property be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; that properties bearing Official Tax Nos. 5470207, 5470301 through 5470308, inclusive, located on Griffin Road, S.W., be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; that the portion of Granger Road, S.W., right-of-way containing 0.293 acres, which is the subject of a petition to close and vacate such right-of-way, be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; and that a portion of property bearing Official Tax No. 5470130, on Pheasant Ridge Road, S.W., be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District, for the purpose of completing the mixture of living unit options in the Pheasant Ridge community and allowing residential uses and related amenities and uses.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 20, 2006. By a vote of 5-0 (Messrs. Chrisman and Manetta absent), the Commission recommended that City Council approve the request.

Background:

The petitioner owns 12 parcels located in the Southern Hills neighborhood between Griffin Road, Van Winkle Road and Pheasant Ridge Road. The properties comprise approximately 11.50 acres that are proposed for development as part of the Pheasant Ridge Development. The acreage and current zoning of the properties are summarized in the attached Table 1. The petitioner requests to repeal proffered conditions and rezone one parcel, rezone 10 parcels, and combine a vacated portion of City of Roanoke right-of-way with one of the rezoned parcels as summarized in Table 1. This process will permit development of condominiums geared to elderly residents and a future wellness center.

The Pheasant Ridge Development includes a mixture of office buildings, condominiums and a group care facility, nursing home/assisted living facility and is targeted toward an older population interested in such facilities. Most buildings are of a large scale. The proposed rezoning will continue this pattern of development.

The largest parcel, Tax Map No. 5460124, is currently zoned MX(c), Mixed Use District, conditional. This parcel was originally a portion of a 49.23 acre parent tract previously identified as Tax Map No. 5460101. The parent parcel was conditionally rezoned from RS-3, Single Family Residential District to C-2, General Commercial District, C-1, Office and Institutional District, and RG-1, General Residential District by ordinance number 24898-120379 on December 3, 1979. The parent parcel was then rezoned to RM-2, Residential Multi-family, Medium Density District by the City's comprehensive rezoning on April 27, 1987.

The parent parcel was then rezoned from RM-2, Residential Multi-family, Medium Density District to C-1, Office District, with conditions by Ordinance No. 32814-020596 on February 5, 1996. The purpose of the rezoning was to allow development of a continuum care facility to include a nursing home, congregate home for the elderly and multifamily units for the elderly. The parcel was then subdivided into four parcels in July 1996 including the approximately 11.90 acre parcel that is now Tax Number 5460124. The property was resubdivided into seven parcels in 1997 with the parcel identified as Tax Number 5460124 remaining intact.

The 1996 proffered site plan includes provisions that the property will only be used for the purpose of operating a nursing home, multi-family dwellings, independent living facilities, single-family dwellings, two-family dwellings, townhouses or row-houses and offices, that a buffer be maintained around the perimeter of the development, limitations on the types of exterior building materials and that recreational amenities, consisting of internal walkways or paths, shall be provided.

The zoning conditions on the subject property identified by Tax Number 5460124 were last amended on October 18, 2004 by ordinance 36883-101804. This ordinance repealed the previous proffered conditions that applied to the parcel and replaced them with the following conditions.

That the property will be developed in substantial conformity with the conceptual site diagram prepared by Jones & Jones Associates, Architect, PC, dated 4 August 2004, a copy of which is attached to the Petition for Rezoning as Exhibit "A".

1. That the property shall be used only for the following uses:
 - a. Permitted Uses:
 1. General, medical and professional offices.
 - b. Special exception uses:
 1. Group care facility subject to the requirements of section 36.1-560 at seq.
 2. Multifamily dwellings, as long as a special exception is granted.
 3. Medical Clinic.
2. That a wooded buffer area contiguous with the northern property lines will be maintained as a wooded area for a width of at least fifty (50) feet as depicted on Exhibit "A".
3. That all proposed structures shown on Exhibit "A" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.
4. Recreational amenities consisting of internal walkways shall be improved surfaces and integrated with existing walkways on adjacent parcels and as depicted on Exhibit "A".
5. Landscaping shall be maintained on the north slope near the Independent Living facility in substantial conformity with the conceptual Landscaping Plan attached as Exhibit "C".

The Conceptual Site Diagram shows two office buildings on the portion of Tax Number 5460124 that is the subject of this petition.

The 11.9 acre parcel was subdivided into two parcels including the 5.930 acre parcel (retaining Tax Number 5460124) that is the subject of this petition.

A 0.108 acre portion of Tax Number 5470130 is proposed to be rezoned from MX, Mixed Use District to MXPUD, Mixed Use Planned Unit Development to provide the required access to a public street. Tax Number 5470130 was originally a portion of a 16.16 acre parent tract identified as Tax Number 5470119. The parent parcel was conditionally rezoned C-2, General Commercial District, C-1 as part of ordinance number 24898-120379 on December 3, 1979. One of the conditions included was that the area comprised of Tax Number 5470119 would be developed as a motel, but if a motel was not developed within six years the zoning would revert to C-1, Office and Institutional District. The property was not developed as a motel within six years and the property was designated as C-1, Office District as part of the City's comprehensive

rezoning in 1987. The parcel was rezoned MX, Mixed Use District as part of the City's comprehensive rezoning on December 5, 2005.

Tax Number 5470119 was subdivided into two lots in July 1989 creating Tax Number 5470123. Tax Number 5470123 was subsequently divided into three lots in March 1998 at which time Tax Number 5470130 was created.

The final parcel subject to this petition is an approximately 0.293 acre portion of the Granger Road right-of-way that the petitioner has petitioned to be vacated. As part of the vacation process, this parcel will be consolidated as part of Tax Number 5470207 which is proposed to be rezoned MXPUD, Mixed Use Planned Unit Development as part of this petition.

The property proposed for rezoning will be used to construct up to four 24-unit condominium buildings, two 32-unit condominium buildings, a wellness center and associated access road, driveways and parking facilities.

The original Petition to Rezone was filed on April 6, 2006. An amended petition was filed on June 14, 2006, and a second amended petition filed on June 19, 2006. A third amended petition filed July 20, 2006, to address specific staff comments.

Considerations

Current Land Use

As shown in the table, the subject properties include nine parcels currently zoned R-7, Residential Single Family District. However, a residence is located on only one of these parcels, the remainder being vacant. Likewise, the 5.930 acre parcel (Tax Number 5470130) and the portion of the Granger Road right-of-way are currently vacant. The 0.108 acre portion of Tax Number 5470130 contains a portion of Pheasant Ridge Road, private street.

Surrounding Zoning Districts and Land Uses

The subject properties are located in the Southern Hills Neighborhood. The properties that are the subject of this request are currently zoned MX(c), Mixed Use District, conditional, MX, Mixed Use District, and R-7, Residential Single Family District. The properties are surrounded by a variety of zoning districts with a mix of residential, commercial and mixed use development with nearby open space:

- R-7, Residential Single Family District: residential development is present extending from the northwest clockwise to the eastern portion of the property. Residential development in the area consists of mostly modest, single story houses with sizes ranging from less than 900 square feet (sf) to approximately 1600 sf. Some vacant lots are interspersed between houses.

- CLS(c), Commercial-Large Site District, conditional: Hunting Hills Plaza including a Wal-Mart and other strip retail sales establishments are present to the west of the subject properties.
- MX, Mixed Use District: Various office space and an assisted living center operated as part of the Pheasant Ridge Development are located to the southwest of the subject properties. A vacant lot is located to the south of the subject properties and is the proposed location for a future independent living building that will also be part of the Pheasant Ridge development. Further to the south and southeast are condominiums and a nursing home facility that are also part of the Pheasant Ridge Development. (Several parcels in this area are conditionally zoned.)
- ROS, Recreation and Open Space District: Approximately 650 feet to the east of the subject properties is park space associated with the Mill Mountain and Blue Ridge Parkways.

The proposed condominiums units will be designed generally match those already existing in the Pheasant Ridge development.

Conditions Proffered by the Petitioner

As part of the MXPUD, Mixed Use Planned Unit development, the petitioner is required to prepare a development plan which will become the binding conditions for future development on the subject properties. No additional conditions are proffered beyond those listed on the development plan. Key components noted on the development plan are as follows:

- Buildings will be located close to the private street (approximately 12 to 24 feet) with parking to the sides and rear, with the exception of designated on-street parking areas.
- The building exteriors will be constructed of natural materials (e.g., stone, brick, decorative block, stucco and wood).
- A 30-foot wide buffer yard will be provided between the proposed development and the Griffin and Van Winkle Road corridors.
- A new walking trail will be constructed to connect the proposed development with the existing development walkways.
- The buildings will be used only for multifamily dwellings and a wellness center.

Note: The proposed development plan only shows the proposed location of the future wellness center. The MXPUD, Mixed Use Planned Unit Development District development plan will need to be amended in the future to provide details on parking and access prior to any construction activities related to the wellness center.

Compliance with the Zoning Ordinance

Approximately 6.04 acres of the 11.50 acres included in the petition was previously identified as part of the Pheasant Ridge Project and was slated for development of two

office buildings based on the Conceptual Site Diagram included as part of ordinance 36883-101804. This portion of the subject property is currently zoned MX(c), Mixed Use District, conditional. This portion of the property could be used for multifamily dwellings with the current zoning, if the proffered site plan covering the parcel is revised to allow the use. A health and fitness center would not be allowed in an MX, Mixed Use District under the current zoning ordinance. Rezoning to MXPUD, Mixed Use Planned Unit Development would allow for both multifamily dwellings and a health and fitness/wellness center.

The remainder of the subject parcel consists largely of property currently zoned R-7, Residential Single Family District and cannot be used for either multifamily dwellings or a health and fitness/wellness center. These activities would be allowed if the subject properties are rezoned to an MXPUD, Mixed Use Planned Unit Development.

The proposed 30 feet buffer yard exceeds the minimum buffer width that would be required between an MX, Mixed Use District and an R-7, Residential, Single Family District.

Compatibility with the City's Comprehensive and Neighborhood Plans

Vision 2001-2020 contains the following relevant policies:

- Housing choice. The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City.
- City Design. The plan encourages narrow streets with trees and on-street parking. The plan also encourages building placement near streets, with parking located to the side and rear of buildings.

The *Southern Hills Neighborhood Plan* identifies future land use of the properties as a combination of mixed density and single family residential. These designations align with the current zoning of the various parcels (i.e., MX(c), Mixed Use District, conditional and R-7, Residential Single family District). The neighborhood plan contains several specific policies which are relevant to the proposed development:

- Support continued mixed density residential development in Pheasant Ridge.
- Support new residential development that uses traditional urban neighborhood development patterns with urban amenities such as sidewalks and street trees. Such development should be encouraged through appropriate zoning and supporting infrastructure improvements.
- New developments should accommodate mixed densities (and incomes), and must preserve environmentally sensitive areas to the greatest extent possible.
- New development must connect to existing residential areas to the extent possible.
- New development should seek to provide safe, convenient connections between residential and commercial areas and between businesses. New roads should be

designed so they connect with streets at multiple locations and avoid the use of cul-de-sacs.

- Safe, convenient auto, pedestrian, and bicycle access should be provided throughout the neighborhood. New streets should be designed according to the recommended street designs in the Infrastructure section.
- Encourage the use of clustered development to avoid development on steep slopes or near parkway lands. New development should design excess capacity in erosion control and storm water management measures.

The plan also notes that lack of connectivity with existing development has created significant congestion problems. These congestion issues are reflected in concerns of the City's Traffic Engineer regarding the existing capacity at the intersection of Pheasant Ridge Road and Franklin Road (U.S. Route 220) and how the proposed development will further impact this situation. Congestion is a concern where commercial driveways feed into Pheasant Ridge Road creating congestion near the intersection with Franklin Road and at the intersection itself.

The petitioner has performed an evaluation of the likely number of automobile trips that will be generated from the proposed condominium development using Institute of Transportation Engineers' trip generation curves. The expected number of trips based on an elderly population will vary from 557 trips per day (elderly housing - attached category) to 1000 trips per day (typical condominium use). By comparison the expected trip generation from the previously proposed office use is 1200 trips per day. In effect the proposed development will result in a net decrease in traffic from the area based on the previously approved development plan.

Overall, the proposed development is consistent with the comprehensive and neighborhood plans.

- Land use is consistent with the future land use plan and the specific recommendation to continue mixed use development of Pheasant Ridge. The proposed development will contribute to Roanoke's overall housing mix by providing above market-rate housing.
- Staff lacks adequate information about the design of the new private street to fully evaluate it. However, the street is narrow with some on-street parking provided. To conform to the comprehensive plan, it should have sidewalks on both sides with street trees provided between the curb and sidewalk.
- Buildings are located near the street with the majority of parking provided within the building. Surface parking is located between buildings.
- Connectivity to surrounding areas is not provided and the proposed street is terminated with a cul-de-sac. Staff considered this issue and finds that connecting to either Griffin or Van Winkle Roads would not be desirable. Both are very narrow rural lanes with no pedestrian accommodations. The marginal enhancement in connectivity would be more than offset by the addition of traffic to streets which are incapable of handling additional capacity.

Planning Commission Discussion

The proposed development was discussed, primarily relative to the configuration of the private street that serves the development as follows:

- The Planning Commission asked staff why the private street from Pheasant Ridge Road was not extended to either Griffin or Van Winkle Road to provide additional connectivity as identified as a general policy in the City's comprehensive plan. Staff responded that the rural nature of these roads would make them unsafe with additional traffic. The Planning Commission asked staff to perform additional consideration of connectivity issues in the future. This should include the consideration of rights-of-way for future street extensions that may be appropriate as neighborhoods and their streets evolve over time.
- The planning commission expressed concern about the location of a pedestrian walkway/crossing area located in the flared section of the private street where it connects to Pheasant Ridge Road. The petitioner noted to staff that the walkway location could be modified during the development of the project.

Recommendation

By a vote of 5-0, the Planning Commission recommends approval of the requested rezoning. The Commission finds that the proposed development is consistent with comprehensive and neighborhood plan policies by virtue of the proposed use and by locating buildings close to the street, de-emphasizing parking areas, and providing an appropriately-sized street.

Respectfully submitted,

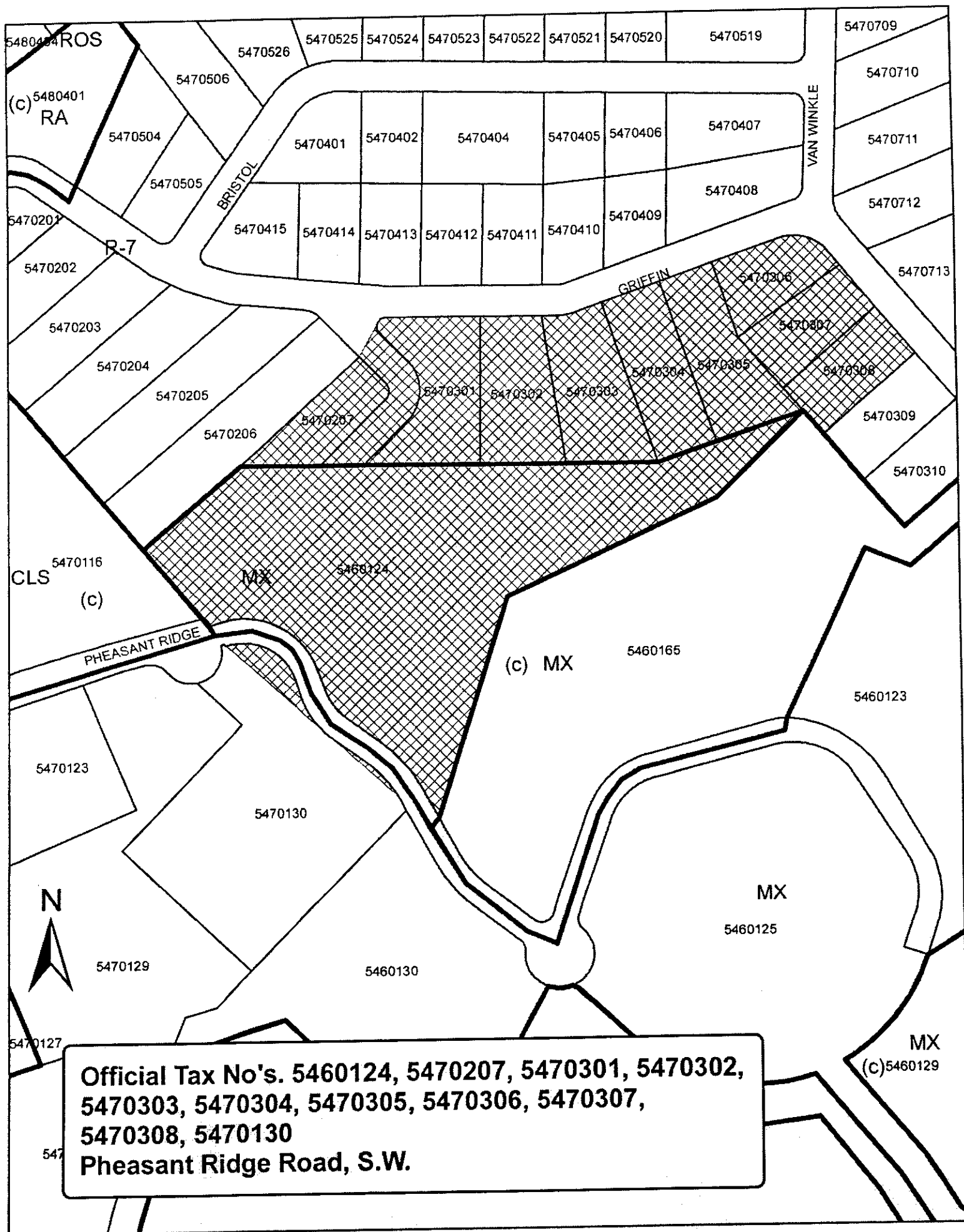


Richard A. Rife, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

TABLE1
Properties to be Rezoned as Part of Continued Pheasant Ridge Development

Tax Map No.	Acreage	Current Zoning	Proposed Action
1. 5460124	5.93	MX(c), Mixed Use District, Conditional	Repeal current proffered conditions, rezone to MXPUD, Mixed Use Planned Unit Development District
2. 5470207	0.4174	R-7, Single Family District	Rezone to MXPUD, Mixed Use Planned Unit Development District
3. 5470301	0.7339		
4. 5470302	0.6611		
5. 5470303	0.7153		
6. 5470304	0.6330		
7. 5470305	0.6722		
8. 5470306	0.4169		
9. 5470307	0.4595		
10. 5470308	0.4603		
11. Vacated Portion of Granger Road Right-of-Way	0.293	R-7, Single Family District	Combine with Tax Map No. 5470207 with proposed MXPUD, Mixed Use Planned Unit Development District zoning
12. Portion of 5470130	0.108	MX	Rezone to MXPUD



THIRD AMENDED PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA IN RE:

Repeal of Proffered Conditions and rezone Lot 2A, containing 5.93 acres of Pheasant Ridge Condominiums II, LL, Tax Map #5460124 from MX(c), Mixed Use District, Conditional to MXPUD, Mixed Use Planned Unit Development District.

Rezone Properties of
Dalton Place, LLC, Map # 5470207 (0.4174 ac), #5470302 (0.6611 ac), #5470303 (0.7153 ac), #5470304 (0.6330 ac), #5470305 (0.6722 ac), #5470308 (0.4603 ac);
A & J Holdings, Inc., Tax Map #5470301 (0.7339 ac);
Integra Investments, LLC, Tax Map #5470307 (0.4595 ac); and
Dalton Place, LLC and Van Winkle, LLC #5470306 (0.4169 ac); and
with a total acreage of 5.1696 acres from R-7, Residential Single-Family District to MXPUD, Mixed Use Planned Unit Development.

Combine portion of Granger Road right-of-way containing 0.293 acres with Dalton Place LLC, Map #5470207 bearing proposed zoning of MXPUD, Mixed Use Planned Unit Development District.

Portion of Pheasant Ridge Road, Tax Map #5470130, containing 0.108 acres, owned by Pheasant Ridge Office Buildings, LLC, zoned from MX to MXPUD.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

By Ordinance No. 24898-120379, at the request of Roanoke Health Care Center, City Council rezoned the property identified as Tax Map No. 546010 1 C-1, with proffered conditions. By Ordinance No. 32815-020596, at the request of Roanoke Health Care Center, City Council amended the previous proffered conditions. By Ordinance No. 36883-101804, at the request of Pheasant Ridge Condominiums II, LL, City Council amended the previous proffered conditions for property identified as Lot 2, containing 11.9 acres, Tax Map number 5460124.

The Petitioner, Pheasant Ridge Condominiums II, LL, owns Tax Map Number 5460124 in the City of Roanoke and requests that the conditions relating to said property be

amended as hereinafter set out. Tax Map Number 5460124 is a subdivided lot created from parent tract 5460101 on July, 16 1996. Tax Map Number 5460124 was then subdivided on December 16, 2005 by Permit Number SU-50076 into 2 lots: Lot 2A, containing 5.93 acres, Tax Map Number 5460124 and Lot 2B, containing 5.97 acres, Tax Map Number 5460165.

The Petitioner hereby requests that the following proffers enacted by Ordinance 36883-101804 be repealed as they pertain to Tax Map No. 5460124:

1. That the property will be developed in substantial conformity with the conceptual site plan prepared by Lumsden Associates, PC, dated July 19, 2006, a copy of which is attached to the Petition for Amendment as Exhibit "A".
2. That the property shall be used only for the following uses:
 - a. Permitted Uses:
 1. General, medical and professional offices.
 - b. Special Exception Uses:
 1. Group care facilities subject to the requirements of section 36.1-560 et seq.
 2. Multifamily dwellings, so long as a special exception is granted.
 3. Medical Clinic.
3. That a wooded buffer area contiguous with the northern property lines will be maintained as a wooded area for a width of at least fifty (50) feet as depicted on Exhibit "A".
4. That all proposed structures shown on Exhibit "A" will be constructed of natural exterior building materials such as stone, brick, decorative block, stucco, and wood. This shall not preclude the use of other building construction materials when used as a particular component of the building system such as glassed atriums, skylights, entry canopies, standing-seam metal roofs, or other structural or mechanical systems incidental to the building use. Metal buildings, mobile or manufactured buildings, with the exception of temporary structures used as contractor's offices during construction, or other structures inconsistent with the above described selection of materials shall not be used in this development.
5. Recreational amenities consisting of internal walkways shall be improved surfaces and integrated with existing walkways on adjacent parcels and as depicted on Exhibit "A".

6. A detailed landscape plan, including streetscape design, walking trail location and landscaping, and sidewalk location and landscaping along the private street will be prepared by a professional landscape architect and approved by the City.
7. The proposed street serving this development shall be private; for street section see Exhibit "C". Street trees shall be planted at a minimum of 50' on center, except where parking lot entrances or driveways intersect the street. Sidewalks shall provide pedestrian access to surface parking spaces and shall otherwise meander through street landscape areas.

The Petitioner, Dalton Place, LLC, owns property in the City of Roanoke on Granger Road, identified as Tax Map # 5470207 (0.4174 ac), and on Griffin Road, identified as Tax Map # 5470302 (0.6611 ac), #5470303 (0.7153 ac), #5470304 (0.6330 ac), and #5470305 (0.6722 ac), and on Van Winkle Road identified as Tax Map #5470308 (0.4603 ac); A & J Holdings, Inc., owns property on Griffin Road, identified as Tax Map #5470301 (0.7339 ac); Integra Investments, LLC, owns property on Van Winkle Road, identified as Tax Map #5470307 (0.4595 ac); and Dalton Place, LLC and Van Winkle, LLC own property on Van Winkle Road, identified as #5470306 (0.4169 ac). All properties, totaling 5.1696 acres, are contiguous and the petitioners request that current zoning of R-7, Residential Single-Family District be changed to MXPUD, Mixed Use Planned Unit Development. Vacation of the Granger Road right-of-way results in 0.293 acres to be combined with Dalton Place, LLC, Tax Map #5470207, and the petitioner requests that this area be rezoned from R-7, Residential Single-Family District to MXPUD, Mixed Use Planned Unit Development District. A new zoning line is required at the cul-de-sac on Pheasant Ridge Road and the petitioner, Pheasant Ridge Office Buildings, LLC, Tax Map #5470130, requests that the 0.108 acres be rezoned from MX, Mixed Use District to MXPUD, Mixed Use Planned Unit Development.

Pursuant to Section 36.2-540, Code of the City of Roanoke (1979), as amended, the

Petitioner requests that the said properties totaling 5.1696 acres be rezoned from R-7 Residential Single Family District to MXPUD Mixed Use Planned Unit Development District; the Granger Road right-of-way totaling 0.293 acres be zoned MXPUD Mixed Use Planned Unit Development and the 0.108 acre portion of Tax No. 5470130 be rezoned from MX, Mixed Use District to MXPUD, Mixed Use Planned Unit Development for the purpose of completing the mixture of living unit options in the Pheasant Ridge community.

The Petitioner believes the proposed rezoning and repeal of proffers on the said tracts of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will provide higher density, market rate housing near a local commercial center.

Attached as Exhibit "D" are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject properties.

WHEREFORE, the Petitioner requests that the above-described amended proffers and rezoning requests be approved as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 19 day of July 2006.

Respectfully submitted,

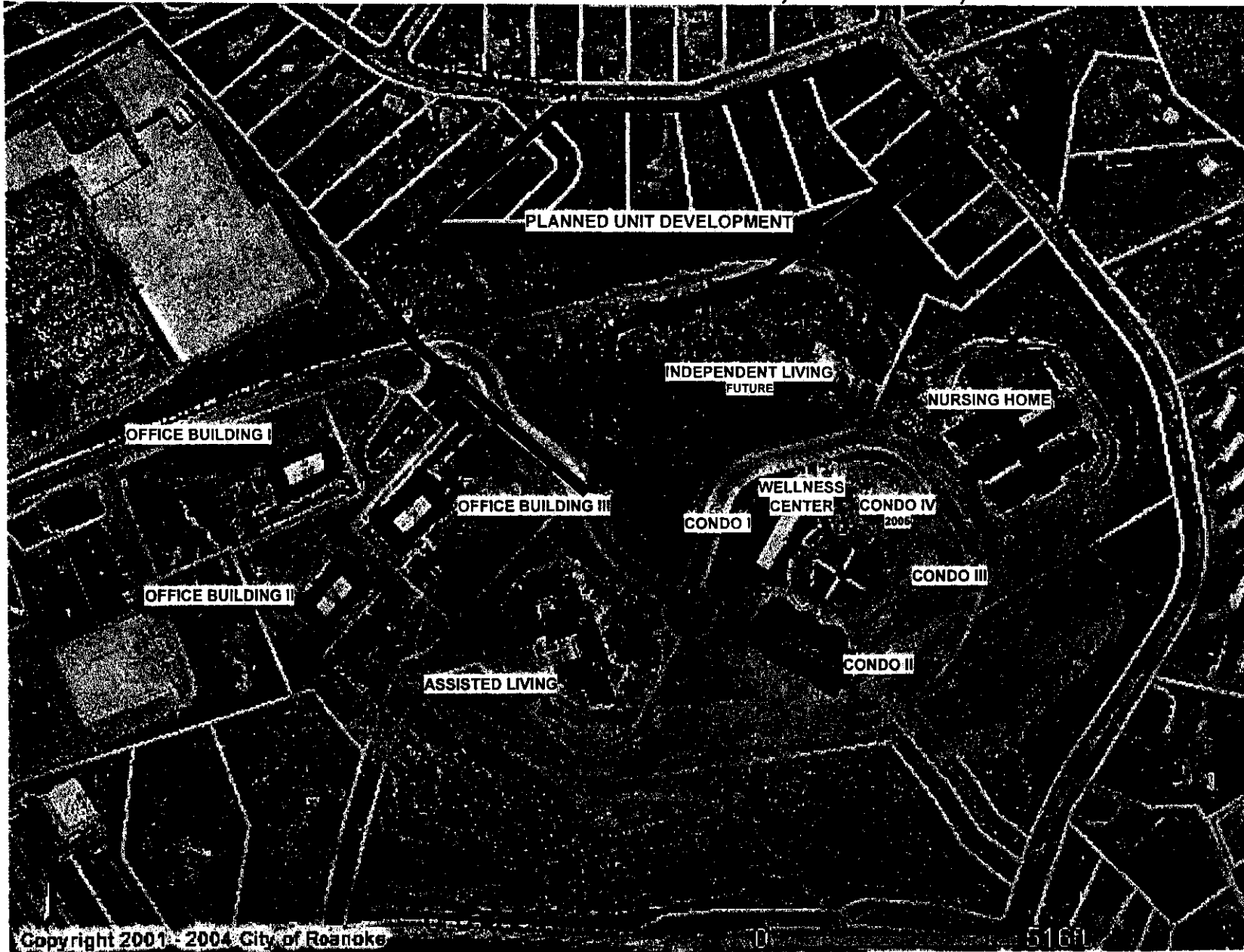
By:

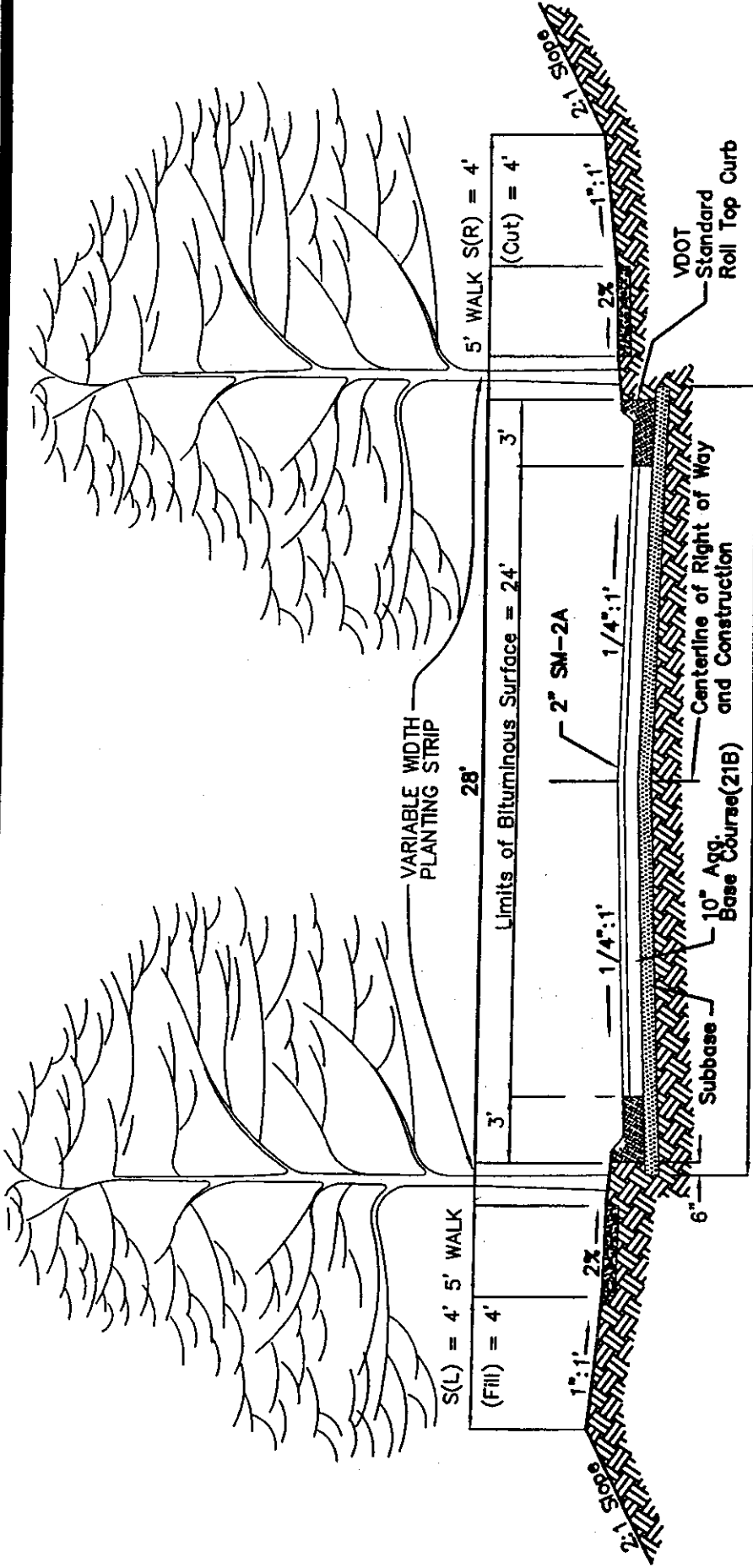


James R. Smith, Sole Owner of all other Properties

Pheasant Ridge Condominiums II, LL
Pheasant Ridge Real Estate Holdings, LLC
Pheasant Ridge Office Building, LLC
Dalton Place, LLC
A & J Holdings, Inc.
Integra Investments, LLC
Van Winkle, LLC
4415 Pheasant Ridge Road SW, #301
Roanoke, Virginia 24014
540/772-5090
Contact: Hunter Smith
hsmith@integrallc.com

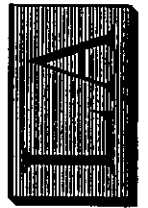
PHEASANT RIDGE HEALTHCARE CAMPUS, ROANOKE, VIRGINIA





PROPOSED PHEASANT RIDGE STREET SECTION

NOTE:
THE PROPOSED STREET SERVING THIS DEVELOPMENT SHALL BE PRIVATE. STREET TREES SHALL BE PLANTED AT A MINIMUM OF 50' ON CENTER, EXCEPT WHERE PARKING LOT ENTRANCES OR DRIVE WAYS INTERSECT THE STREET. SIDEWALKS SHALL PROVIDE PEDESTRIAN ACCESS TO SURFACE PARKING SPACES, AND SHALL OTHERWISE MEANDER THROUGH STREET LANDSCAPE AREAS.



LUMSDEN ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
ROANOKE, VIRGINIA

4664 BRAMBLETON AVENUE
P.O. BOX 20669
ROANOKE, VIRGINIA 24018
PHONE: (540) 774-4411
FAX: (540) 772-9445
E-MAIL: MAIL@LUMSDENPC.COM

DATE:

July 19, 2006

SCALE:

NO SCALE

COMM. NO.:

06-681

EXHIBIT D -- NEIGHBORS

5470116
NEW PLAN REALTY TRUST
PO BOX 4800
SCOTTSDALE, AZ 85261-4900

5470310
EDWARDS ROY C OR ELIZABETH M
EDWARDS
4437 VAN WINKLE RD SW
ROANOKE VA 24014

5470309
EDWARDS TERRY LEO
4437 VAN WINKLE RD SW
ROANOKE VA 24014

5470308
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470307
INTEGRA INVESTMENTS LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470306
DALTON PLACE LLC
VAN WINKLE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470305
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470304
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470303
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470302
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470301
A & J HOLDINGS, INC.
4415 PHEASANT RIDGE ROAD, #303
ROANOKE VA 24014

5470206
PAIGE PAUL ANDREW & JOY FAYE
4323 GRIFFIN RD SW
ROANOKE VA 24014

5470207
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5470414
UNDERWOOD MELISSA DELANE
P O BOX 21153
ROANOKE VA 24018

5470413
GRIFFIN ROAD, LLC
4415 PHEASANT RIDGE ROAD, 300-303
ROANOKE, VA 24014

5470412
DNAL HOLDINGS I, LLC
4415 PHEASANT RIDGE ROAD, 303
ROANOKE, VA 24014

5470411
DNAL HOLDINGS I LLC
4415 PHEASANT RIDGE RD303
ROANOKE VA 24014

5470410
CLAYTOR HENRY J JR & CAROLYN D
4350 GRIFFIN RD SW
ROANOKE VA 24014

5470409
TRS FIRST BAPTIST CHURCH
JEFFERSON ST & GILMER AVE NE
ROANOKE VA 24016

5470408
WEBB RICHARD B JR
4372 GRIFFIN RD SW
ROANOKE VA 24014

5460123
HCP VIRGINIA INC
3760 KILROY AIRPORT WAY STE 300
LONG BEACH CA 90806

5470712
DUNBAR JOHNNY M
4404 VAN WINKLE RD SW
ROANOKE VA 24014

5470713
MUSE RUBY MARIE
4422 VAN WINKLE RD SW
ROANOKE VA 24014

5450102
DICKERSON ELIZABETH ORA
4446 VAN WINKLE RD SW
ROANOKE VA 24014

5450125
PHEASANT RIDGE CONDOMINIUMS LLC
4438 PHEASANT RIDGE RD SW #108
ROANOKE VA 24014

5460164
PHEASANT RIDGE WELLNESS CENTER LL
4415 PHEASANT RIDGE RD#105
ROANOKE VA 24014

5460130
PHEASANT RIDGE ASSISTED LIVING
4435 PHEASANT RIDGE RD SW
ROANOKE VA 24014

5470129
PHEASANT RIDGE OFFICE
4415 PHEASANT RIDGE RD SU 300-303
ROANOKE VA 24018

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by repealing Ordinance No. 36883-101804, to the extent such ordinance placed certain conditions on a portion of Official Tax No. 5460124 located on Pheasant Ridge Road, S.W., and rezoning such property from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; that properties bearing Official Tax Nos. 5470207, 5470301 through 5470308, inclusive, located on Griffin Road, S.W., be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Development District; that the portion of Granger Road, S.W., right-of-way containing 0.293 acres, which was vacated, discontinued and closed by Ordinance No. 37484-071706, be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; and that a 0.108 acre portion of property bearing Official Tax No. 5470130, on Pheasant Ridge Road, S.W., be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; and dispensing with the second reading by title of this ordinance.

WHEREAS, Pheasant Ridge Condominiums II, LL, Dalton Place, LLC, A & J Holdings, Inc., Integra Investments, LLC, Van Winkle, LLC, Pheasant Ridge Real Estate Holdings, LLC, and Pheasant Ridge Office Building, LLC, filed an application with the Council of the City of Roanoke to repeal Ordinance No. 36883-101804, to the extent such ordinance placed certain conditions on a portion of Official Tax No. 5460124 located on Pheasant Ridge Road, S.W., and rezoning such property from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; that properties bearing Official Tax Nos. 5470207, 5470301 through 5470308, inclusive, located on Griffin Road, S.W., be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed

Use Planned Development District; that the portion of Granger Road, S.W., right-of-way containing 0.293 acres, which was vacated, discontinued and closed by Ordinance No. 37484-071706, be rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; and that a 0.108 acre portion of property bearing Official Tax No. 5470130, on Pheasant Ridge Road, S.W., be rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on said application at its meeting on August 21, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice require the rezoning of the subject property, and for those reasons, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Ordinance No.36883-101804, adopted by the City Council on October 18, 2004, to the extent that it placed certain conditions on a portion of Official Tax No. 5460124 located on Pheasant Ridge Road, S.W., as set forth in the Third Amended Petition to Rezone filed in the Office of the City Clerk on July 20, 2006, is hereby REPEALED, and that §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated

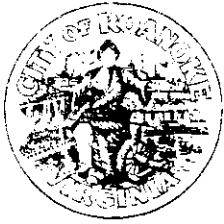
December 5, 2005, as amended, be amended to reflect such action;

2. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that a portion of Official Tax No. 5460124 located on Pheasant Ridge Road, S.W., be, and is hereby rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District; that properties bearing Official Tax Nos. 5470207, 5470301 through 5470308, inclusive, located on Griffin Road, S.W., be, and are hereby rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Development District; that the portion of Granger Road, S.W., right-of-way containing 0.293 acres, which was vacated, discontinued and closed by Ordinance No. 37484-071706, be, and is hereby rezoned from R-7, Residential Single Family District, to MXPUD, Mixed Use Planned Unit Development District; and that a 0.108 acre portion of property bearing Official Tax No. 5470130, on Pheasant Ridge Road, S.W., be, and is hereby rezoned from MX, Mixed Use District, to MXPUD, Mixed Use Planned Unit Development District as set forth in the Third Amended Petition to Rezone filed in the Office of the City Clerk on July 20, 2006.

3. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Mayor
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Charles Calvin Duncan, Jr. and Jeanne T. Duncan that property located at 1682 Monterey Road, N.E., bearing Official Tax No. 7310111, be rezoned from R-5, Single Family Residential District, to RMF, Residential Multifamily District, subject to a condition that the use of the property will be limited to a congregate home for the elderly with no more than eight unrelated residents.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 20, 2006. By a vote of 5-0 (Messrs. Chrisman and Manetta absent), the Commission recommended approval of the rezoning.

Background

The petitioner owns and operates a congregate home for the elderly on property located at 1682 Monterey Road, N.E. (Official Tax No. 7310111). The petitioner requests the property be rezoned from R-5, Residential Single Family District, to RMF, Residential Multi-family District, subject to conditions, to allow continued operation of the facility as a congregate home for the elderly.

The parcel was zoned RS-3, Single Family Residential District under the prior zoning ordinance which allowed operation of a congregate home for the elderly by special exception. The Board of Zoning Appeals granted special exceptions for the facility on June 4, 1996, and August 14, 2001, each with time limits of five years. The current special exception will expire in August 2006. As part of the City's comprehensive

rezoning on December 5, 2005, the property was rezoned to R-5, Residential Single Family District, which does not provide for a congregate home for the elderly as a permitted or special exception use. Therefore the special exception cannot be renewed.

The Petition to Rezone was filed on June 2, 2006.

Considerations

Surrounding Zoning Districts and Land Uses

The subject property is located in the Hollins/Wildwood Area at the eastern terminus of Monterey Road, and is currently zoned R-5, Residential Single Family District. The property is surrounded by a mix of residential, industrial and open space as follows:

- R-5, Residential Single Family District: extensive residential development is present around the property, extending from the northeast to southwest.
- I-1, Industrial District with conditions: the currently undeveloped, northern most portion of the Roanoke Centre for Industry and Technology abuts the eastern edge of the subject property.
- ROS, Recreation and Open Space District: the Ole Monterey Golf Course is adjacent to the subject property, across Monterey Road.

The subject property is a single story ranch-style structure that blends with the adjacent residential property. The building on the subject property is built of brick, like other houses along this portion of Monterey Road, and is of similar scale when viewed from the street.

Conditions Proffered by the petitioner

The petitioner proffers the following condition: The property will be used for a Congregate Home for the elderly with no more than eight (8) unrelated residents.

Compliance with the Zoning Ordinance

Under the current zoning ordinance, the use is classified as a Group care facility, congregate home, Elderly, subject to Sec. 36.2-412. This use is not permitted in the R-5 district, so it may continue as a legally nonconforming use until the five-year time limit on the special exception expires in August 2006.

If the property is rezoned to RMF, Residential Multifamily District, the current operation of the subject property can be continued as a permitted use. Chapter 36.2-412 of the Code of the City of Roanoke (1979), as amended, provides supplemental regulations for the use in an RMF, Residential Multifamily district:

- No other group care facility can be located within 1,500 feet of the subject property.
- A minimum of 500 square feet of facility space shall be provided per occupant including supervisory personnel and family members living on the premises.
- A minimum of 100 square feet of useable open space shall be provided per occupant.
- A minimum Category "A" buffer yard must be provided between the subject property and adjoining parcels should additional construction be performed on the site.

The existing operation complies with the requirements for area of facility space and open space based on the proffered maximum of eight residents.

Compatibility with the City's Comprehensive and Neighborhood Plans

The Hollins/Wildwood Area Plan identifies future land use of the subject property as high-density single family use. Policies listed in the plan note that older neighborhoods should retain their current residential character and that zoning should reinforce the existing character.

The small-scale of the current structure blends with the residential feel of the surrounding neighborhood. Based on the scale of the operation, its location on the edge of a residential zoning district and the historical ongoing nature of the operation (dating to 1996) the continued operation of the congregate home at its current scale is appropriate.

The Comprehensive Plan, *Vision 2001-2020*, states that the City of Roanoke will support a range of health and human services to meet the needs of its citizens (PE P9).

Planning Commission Discussion

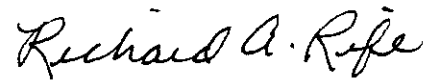
The long-term use of the property was discussed as follows:

- The Planning Commission asked staff if the use of the property as a congregate home for the elderly would continue indefinitely, including with change in ownership. Staff responded that unlike the previous zoning, where a congregate home for the elderly was allowed by special exception, the operation of a congregate home for the elderly is a use by right in a RMF, Residential Multifamily District and that use would run with the property.
- The Planning Commission asked staff if the property would need to be rezoned if there was a desire for future single family use. Staff responded that the property would need to be rezoned since a single-family residential dwelling is not a permitted use in the RMF district.

Recommendation

By a vote of 5-0, the Planning Commission recommends approval of the requested rezoning and finds that the petition to rezone the subject property from R-5, Residential Single Family District to RMF, Residential Multifamily District, with a condition, is appropriate based on the current scale of the operation. The proffered condition limits the use of the property to a congregate home for the elderly with no more than eight unrelated residents, as it has been used for the past 10 years. This condition is a key consideration in maintaining a residential scale consistent with the intent of the neighborhood plan and the Comprehensive Plan.

Respectfully submitted,

A handwritten signature in black ink, reading "Richard A. Rife". The signature is written in a cursive, flowing style.

Richard A. Rife, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Charles Calvin Duncan, Jr. and Jeanne T. Duncan, Petitioner

CONDITIONAL PETITION TO REZONE
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a tract of land lying at 1682 Monterey Road N.E. Roanoke, Virginia 24019, tax number 7310111 containing 1.49 acres more or less, from R5 Single-family District zoning to RMF Residential Multi-family District, such rezoning to be subject to certain conditions proffered by the petitioner.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE
CITY OF ROANOKE:

Charles Calvin Duncan Jr. and Jeanne T. Duncan, own the land in the City of Roanoke containing 1.49 acres, more or less, located at 1682 Monterey Road, tax number 7310111. Said tract is currently zoned R-5 Single-family District. A map of the property to be rezoned is attached as Exhibit 1.

Pursuant to Section 36.2-541, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from R-5, Single-family District, to RMF, Residential Multi-family District, subject to certain conditions set forth below, for the purpose of continuing to operate a Congregate Home for the Elderly.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will provide an assisted living facility for the elderly.

The Petitioner hereby proffers and agrees that if the said tract is rezoned as requested, that the rezoning will be subject to, and that the Petitioner will abide by, the following conditions:

1. Property will be used for a Congregate Home for the Elderly with no more than eight (8) unrelated residents.

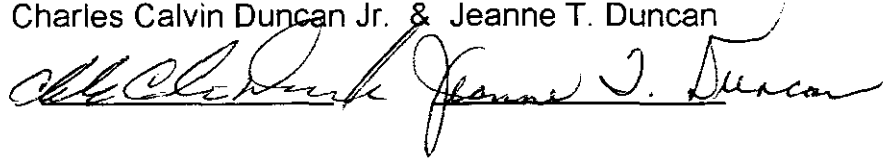
Attached as Exhibit 2 are the names, addresses and tax numbers of the owners of all the lots or property immediately adjacent to and immediately across the street from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 31 day of May, 2006.

Respectfully submitted,

By: Charles Calvin Duncan Jr. & Jeanne T. Duncan

Handwritten signatures of Charles Calvin Duncan Jr. and Jeanne T. Duncan. The signature of Charles Calvin Duncan Jr. is on the left, and the signature of Jeanne T. Duncan is on the right. Both signatures are written in cursive and are positioned over a horizontal line.

Charles Calvin Duncan Jr. & Jeanne T. Duncan
1682 Monterey Road / P.O. Box 7241
Roanoke, Virginia 24019

Exhibit 1



Exhibit 1

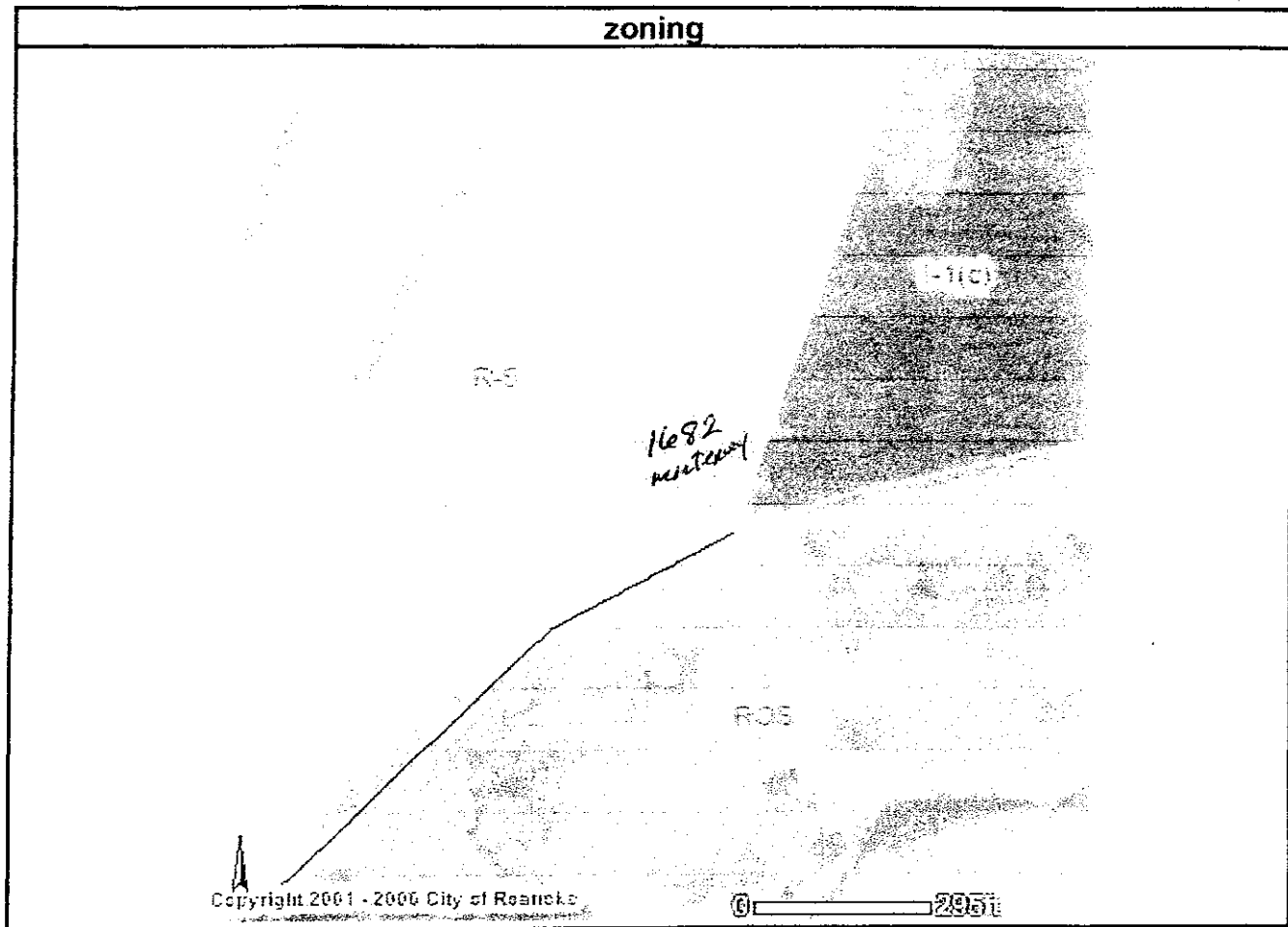


Exhibit 2

ADJOINING PROPERTY OWNERS

<u>TAX NUMBER/ STREET ADDRESS</u>	<u>NAME OF PROPERTY OWNER</u>	<u>MAILING ADDRESS</u>
7310110 1672 MONTEREY RD	RONALD G. & MARTHA T. BENSINGER	1672 MONTEREY RD ROANOKE, VA 24019
7340101 1112 TINKER CREEK LN	VALLEY LANDS, INC	1112 TINKER CREEK LN ROANOKE, VA 24019
7320101 READ MTN RD. N.E.	CITY OF ROANOKE, VA	215 CHURCH AVE RN 250 ROANOKE, VA 24011
7380111 1723 READ MTN RD	ALBERT G. SNIDER & OPAL WOOD	2402 MASON MILL RD ROANOKE, VA 24012

ROANOKE VA

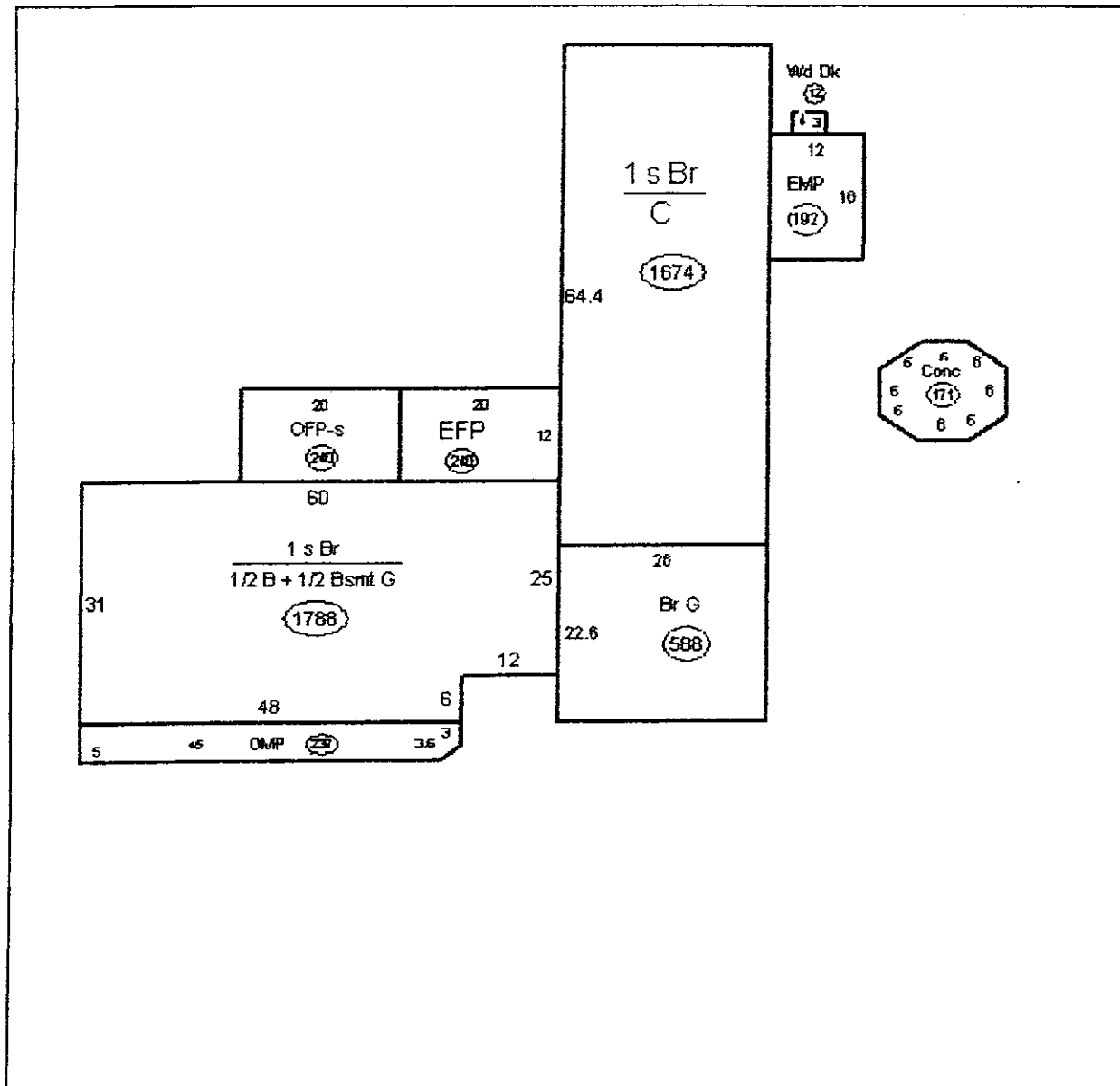


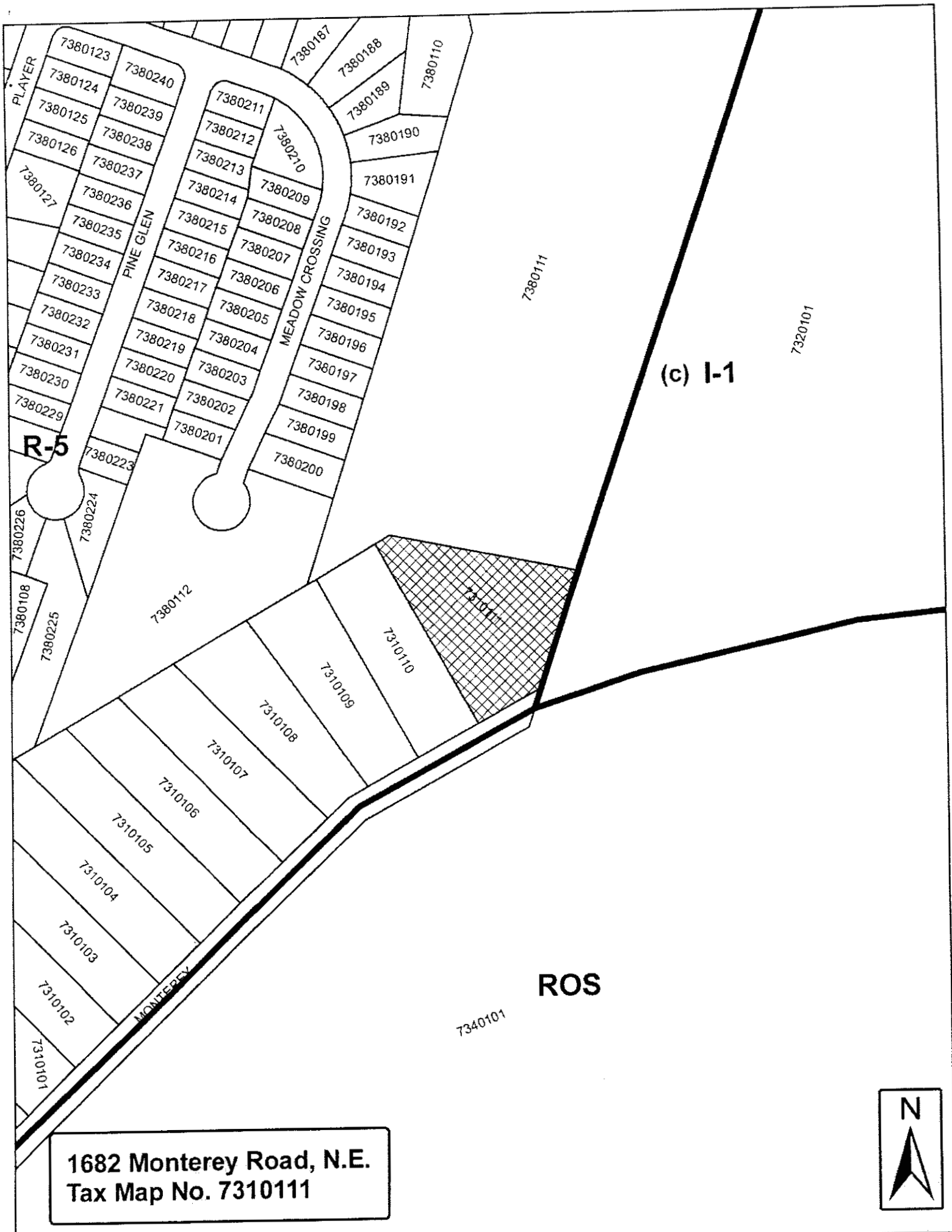
Image Information

Picture Date Apr. 15, 2004

Image Date Jan. 18, 2005

Rotate Direction

Description



WMT
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, subject to a certain condition proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Charles Calvin Duncan, Jr., and Jeanne T. Duncan, have made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the hereinafter described property rezoned from R-5, Single Family Residential District, to RMF, Residential Multifamily District, subject to a certain condition proffered by the applicant;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on August 21, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, City Council, after considering the aforesaid application, the recommendation made to City Council by the Planning Commission, the City's

Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the rezoning of the subject property, and for those reasons, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that Official Tax No. 7310111 be rezoned from R-5, Single Family Residential District, to RMF, Residential Multifamily District, subject to the proffer contained in the Petition filed by Charles Calvin Duncan, Jr., and Jeanne T. Duncan, in the Office of the City Clerk on June 2, 2006.

2. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166

Roanoke, Virginia 24011

Telephone: (540) 853-1730 Fax: (540) 853-1230

E-mail: planning@ci.roanoke.va.us

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Mayor
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Amendment to **Vision 2001-2020**, the City's comprehensive plan, to include the Greater Deyerle Neighborhood Plan, such plan containing five priority initiatives to affect physical design and land use patterns, and residential development, including the development of housing clusters, economic development, transportation and pedestrian amenities, public services and facilities, and the quality of life in the neighborhood, through the creation of public greenways, trails and parks.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 20, 2006. By a vote of 5-0 (Messrs. Chrisman and Manetta absent), the Commission recommended approval of the plan and repeal of the 1990 neighborhood plan.

Background:

The Greater Deyerle Neighborhood Plan covers an area in the far southwest of the City and is bounded by the Norfolk Southern railroad tracks to the north, the neighborhoods of Greater Raleigh Court and Grandin Court to the east, and the City of Salem and Roanoke County collectively to the north, west and south. Three public workshops were held with residents and business owners of the area by staff in the winter and spring of 2006.

The original Greater Deyerle Neighborhood Plan was adopted by City Council in 1990. This plan will be the first neighborhood plan in the City to have a second edition.

Adoption of this plan will provide a long-term planning vision for the neighborhood that reflects the policies of *Vision 2001-2020*, the City's comprehensive plan.

Considerations:

During the workshops several positive features of the area were cited that need to be maintained:

- Homes are in very good condition, and pride is taken in care of private property
- The natural environment is attractive and also gives the neighborhood a sense of place and identity.
- Proximity to commercial services; economically the area is healthy overall
- Low crime rate

Staff noted the following issues in the plan that need to be addressed:

- 1) Achieving a balance between maintaining the original character and density of the neighborhood, while accommodating future growth.
- 2) Impact of commercial uses on residential properties.
- 3) Maintaining the residential character of the neighborhood's streets.
- 4) Storm water runoff.
- 5) Lack of pedestrian amenities.
- 6) Desire of the neighborhood to have a public park.

To address these issues, the plan features six priority initiatives:

- **Zoning:**
 - 1.) Maintain the existing general land use patterns, while giving greater consideration to specific zoning changes in accordance with the recommendations of this plan.
 - 2.) Maintain the current residential zoning on Keagy Road.
- **Residential Development:** Promote the development of housing clusters where possible to provide housing and preserve green space.
- **Transportation:** Maintain the residential character of the neighborhood's streets.
- **Storm water Management:** Identify and complete the most vital storm water projects in the neighborhood. This is the highest capital improvement priority of this plan.
- **Pedestrian Amenities:** Provide a network of pedestrian improvements to link residents with the edges of the neighborhood. Consider on-street facilities, such as sidewalks, and off-street facilities, such as greenways or trails.
- **Public Park Facilities:** Evaluate the potential for a public park in the neighborhood.

Recommendation:

By a vote of 5-0, the Planning Commission recommends approval of the Greater

Deyerle Neighborhood Plan for adoption as a component of *Vision 2001-2020*, and repeal of the 1990 plan for this neighborhood.

Respectfully submitted,

A handwritten signature in black ink, reading "Richard A. Rife". The signature is written in a cursive, flowing style.

Richard A. Rife, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 20th day of July, 2006

A RESOLUTION recommending the adoption of the Greater Deyerle Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Greater Deyerle neighborhood to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the City Planning Commission; and

WHEREAS, the Greater Deyerle Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on July 20, 2006, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Greater Deyerle Neighborhood Plan, dated July 20, 2006, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

A handwritten signature in black ink, appearing to read "Richard A. Rife". The signature is written in a cursive, flowing style.

Chairman

GREATER DEYERLE

DRAFT NEIGHBORHOOD PLAN

As recommended by the Planning Commission
on July 20, 2006

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Introduction

The Greater Deyerle neighborhood is located in the southwestern portion of the City of Roanoke adjacent to the City of Salem and Roanoke County. It is bounded by Brandon Avenue, Electric Road (US 419), and Grandin Road. The neighborhood is south of the Lewis–Gale Medical Center and Hospital.

The Greater Deyerle neighborhood encompasses numerous subdivisions and areas that in the past were referred to as neighborhoods unto themselves. As the area has grown from development both within and on the outskirts of these boundaries, common characteristics and issues have brought the community together, as reflected by the representation of the Greater Deyerle Neighborhood Association (GDNA). Due to its proximity and impact, this plan also includes a commercial and industrial district north of Brandon Avenue, which is not within the boundaries of the GDNA.

Greater Deyerle is approximately 2.5 square miles in size and has a rolling topography with numerous small lakes, greenspace, streams, and pasture land. It has a population of 3,810 people and a lower population density than that of most Roanoke neighborhoods. The area is largely residential, with well-maintained homes on large lots of land. Over the last 50 years, Greater Deyerle has gradually transitioned from a sparsely populated rural area to a low-density suburban community surrounded by commercial development on its edges. Residents of the area take pride in the high quality of life of their neighborhood, and have concerns about potential negative effects of higher density residential and commercial development.

Development History

The first settlements in the region began in the early 1700's with German and Scots–Irish immigration from Pennsylvania. Significant land development and population growth began in the early 1800's with the establishment of mills and farms. The Roanoke Valley region attracted farmers that developed diverse agricultural cash crops such as hemp, wheat, corn, and other grains. Livestock was also important.

Commercial growth however, was slow because of a lack of navigable waterways and major streets. But by the 1840s turnpike roads began being constructed and Roanoke County had been formed from Botetourt County in 1838. In 1852, the extension of the Virginia and Tennessee Railroad into Big Lick solidified the regions' growing economy.

This important transition time in the history of Roanoke is best represented by the local farmer and builder Benjamin Deyerle (1806–1883). Deyerle, the grandson of German immigrant Peter Deyerle, was a large-scale farmer with tracts of land in Roanoke County (specifically the Greater Deyerle neighborhood) and Franklin County where he raised wheat, corn, tobacco, and cattle. He also operated a prosperous mill, a general store, and a large whiskey distillery. Mostly known as a builder, Deyerle himself was credited with constructing some of the finest homes in the Roanoke Valley. Two of these significant properties are listed on the National Register of Historic Places and are located in the Greater Deyerle neighborhood: *Lone Oaks*, which was his home, and the plantation home *Belle Aire*. However, recent documentation by local architectural historian Michael J. Pulice, confirms that Benjamin actually worked closely with his half-brother Joseph Deyerle on many of the buildings and used their large workforce of adult and adolescent male slaves. Benjamin and Joseph relied heavily on Charles Lewis, a skilled bricklayer, whom they had bought in Richmond, VA. In a later letter, Charles's son Peyton M. Lewis (also a former Deyerle slave) described his father as "a great distiller of whiskey and a great brick molder and layer who laid the bricks in the houses of Benjamin Deyerle...and many others in Roanoke...." Pulice also noted that Benjamin was described as "literate, well-mannered, honest, and punctual."

The building career of Benjamin Deyerle spanned from 1845 until 1866, and like many of the more prominent dwellings built in the valley at the time, they were constructed in the *Greek Revival* style. They were of brick, with two-stories and low-pitched hip roofs, and accented with decorative treatments derived from Boston architect Asher Benjamin's popular pattern books. Lone Oaks (also known as Winsmere), a spacious plantation house built along Mud Lick Creek (Grandin Road), is one of the best examples of the Greek Revival style found in Roanoke. Built in 1850

on a tract known as Mud Lick, which included Deyerle's mill, Lone Oaks replaced Deyerle's former log house. Four brick outbuildings were built on the site at the same time and included two-story quarters with kitchen, a storehouse, a kiln, and a springhouse located over the creek.

Belle Aire, the other Deyerle house in the neighborhood listed on the National Register, was erected in 1849 for Madison Pitzer (1799–1861) and his wife Margaret. Belle Aire, located on what is now Belle Aire Circle, was constructed on a knoll overlooking Pitzer's 1,600-acre tract that spanned to the south bank of the Roanoke River. Pitzer prospered with wheat and tobacco production but further capitalized when the James River & Kanawha Canal opened to Buchanan in 1851 and with the building of the Virginia Railroad in 1852. These new transportation routes provided easier access for his crops into a broader European market. The imposing Greek Revival manor house reflected his wealth, and its classical detailing denotes the heavy influence of Asher Benjamin and his popular pattern book, *The Practical House Carpenter* (1830). These details were used by Gustavus Sedon (1820 – 1893), a talented local carpenter, who worked for Benjamin and Joseph, and who played a major role in Belle Aire's design.

Sedon, a German immigrant, settled in Roanoke County by 1850, and married Catherine Statler in 1851. In 1852, he built his own two-story brick home, *Boxwood Summit*, on what is now Bruceton Road. The house was built in the Greek Revival style using his hand-carved mantels and handmade furniture, and remains in good condition today. Although his woodworking skills are evident on some of the finest buildings in the Valley, including some at Hollins College, Sedon like many men of the time also dealt in groceries and farm produce.

During the 19th century, Roanoke County remained agrarian, while Salem and Big Lick diversified with a base of goods and services. Although the building of the Shenandoah Railroad in 1881 increased the economic base of the valley, the most important economic activity at the turn of the 20th-century was still agriculture. Significant additional development did not occur until the early 1900's when automobile ownership made the area more accessible, at which time the number of

operating farms also began to decline. In Roanoke County, many men quit full-time farming to take jobs in industry.

Remnants of several large farms remain in the neighborhood from between the 1880s and World War II, as well as some good examples of architecture. Some architectural examples include an elaborate Queen Anne farmhouse, a large brick American Foursquare, and a unique Colonial Revival style dwelling with Craftsman influence. The neighborhood also includes an atypical, circa 1930s, vertically constructed log cottage.

Following World War II, a real building boom began. Most of the houses in the neighborhood were built in post World War II subdivisions. Following this growth, the City of Roanoke annexed the Greater Deyerle Neighborhood in 1976 after requests from the neighborhood for city sewer and water service.

Concerning other significant historic properties, Greater Deyerle contains two identified archaeological sites. Site 44RN28, adjacent to Mud Lick Creek is a significant site because of its length of occupation, from prehistoric times to the early 18th-Century. Site 44RN29 is located adjacent to Grandin Road and was occupied between 1500 B.C. and 1600 B.C. This site has been partially destroyed and both sites warrant further investigation. Additionally, while some individual houses appear eligible for listing on the National Register, there are no potential historic districts within the Greater Deyerle neighborhood.

Population Characteristics

Since 1990 the population of Greater Deyerle has increased 14%, from 3,338 people to 3,810 in 2000, with racial diversity increasing at a proportionally high, yet overall low rate. Table 1 clearly shows the two factors that have impacted the neighborhood's demographic makeup in recent years; household size and the number of older residents.

The number of households has increased at a rate of twice that of the population increase. This illustrates a Citywide and national trend of smaller households. With smaller household sizes, the overall population may not increase as much, but the demand for public services and impact on the environment can increase substantially.

The neighborhood's population is aging, with a notably high increase in the senior population. At the same time, the number of children and young adults has decreased. There are two obvious factors that may explain this trend. The rise in the senior population is partially attributable to long-term residents simply staying in the neighborhood and getting older. A major factor is the development and expansion of the Brandon Oaks retirement facility, which has added to the large increase of seniors.

Table 1. Population Demographics

	1990	2000	Percentage Change
Total Population	3,338	3,810	14%
Households	1,505	1,921	28%
White	3,187	3,594	13%
Black	115	145	26%
Other Races	36	71	97%
Two or more races	n/a	34	n/a
0-19 Years Old	684	633	-7%
20-34 Years Old	433	323	-25%
35-64 Years Old	1,293	1,419	10%
65 Years and Over	928	1,435	55%

Source: U.S. Census Bureau, Census 1990 & 2000, Tract 21

Table 1 also suggests that the neighborhood is attracting more middle-aged and senior citizens than young adults. Table 2 shows the percentage of each age group relative to the neighborhood and the City as a whole. The categories of 19 and under and 65 and over, demonstrate a trend towards more old residents and fewer children than the rest of the City.

Table 2. Population Age Distribution: Area and Citywide

	Area		Citywide	
	Persons	Percentage	Persons	Percentage
0-19 Years Old	633	17%	23,455	25%
20-34 Years Old	323	8%	20,146	21%
35-64 Years Old	1,419	37%	35,750	38%
65 Years and Over	1,435	38%	15,560	16%
Total	3,810	100%	94,911	100%

Source: U.S. Census Bureau, Census 2000, Tract 21

Greater Deyerle has an educated population relative to the City. Table 3 shows that 40% of the neighborhood's residents over the age of 25 have a bachelor's degree. In addition, the neighborhood has a very low percentage of residents with less than a high school education when compared to the City average.

Table 3. Educational Attainment, 25 years of age and over

Education Level	Total	Percentage	City of Roanoke Average
Less than High School	252	8%	24%
High School	630	20%	30%
Some College	839	27%	21%
Associate's Degree	145	5%	6%
Bachelors Degree	827	27%	12%
Graduate or Professional	414	13%	7%
Total	3,107	100%	100%

Source: U.S. Census Bureau, Census 2000, Tract 21

Neighborhood Organization

The Greater Deyerle Neighborhood Association (GDNA) was formed in 1986, by a handful of concerned citizens and now has over 250 members. The association's purpose is to address many neighborhood issues such as housing, traffic, environmental quality, economic development, and historical and cultural resources. GDNA holds quarterly neighborhood meetings, publishes a quarterly newsletter, and is governed by an Association Board that is elected to annual terms by its membership. It currently has three committees on which members can serve, the Nominating Committee, the Parks/Greenway Committee, and the Traffic Committee. There are also “area captains” that act as spokespersons for their section of the neighborhood, deliver newsletters, and hold area meetings when necessary.

Neighborhood Planning

The City of Roanoke completed a neighborhood plan for the Greater Deyerle neighborhood in 1990. This plan was one of the last neighborhood plans completed under the 1985 *Roanoke Vision* Comprehensive Plan. In 2001, the City adopted a new Comprehensive Plan, *Vision 2001–2020*. This neighborhood plan better reflects the updated policies of *Vision 2001–2020*. Neighborhood Plans are official documents that are adopted by City Council and become part of the Comprehensive Plan.

Planning staff held three public meetings with the neighborhood in the spring of 2006. The first two were held to gather citizen input, and in the final meeting staff presented a draft of the plan. Prior to the first meeting notices were mailed to all residents and property owners in Greater Deyerle to inform them of the meeting schedule.

Plan Elements

Discussion in this plan is organized into six major Plan Elements:

- Community Design
- Residential Development
- Economic Development
- Transportation
- Public Services & Facilities
- Quality of Life

The Community Design element looks at physical design features and land use patterns. Residential Development addresses existing and new housing opportunities. Economic Development deals with commercial and industrial development in the neighborhood. The Transportation element evaluates vehicular and pedestrian transportation systems. The Public Services & Facilities element assesses Fire/EMS, police, libraries, schools, and utility systems. Finally, the Quality of Life element addresses recreational opportunities, historic resources, environmental issues, and community involvement. Each plan element contains information about current conditions and issues.

Priority Initiatives

Based on resident input and the staff's evaluation of conditions in Greater Deyerle, five items have been identified as the priority initiatives of this plan:

- **Zoning:**
 - 1.) Maintain the existing general land use patterns, while giving greater consideration to specific zoning changes per the recommendations of this plan.
 - 2.) Maintain the current residential zoning on Keagy Road.
- **Residential Development:** Promote the development of housing clusters where possible to provide housing and preserve green space.
- **Transportation:** Maintain the residential character of the neighborhood's streets.
- **Stormwater Management:** Identify and complete the most vital stormwater projects in the neighborhood. This is the highest capital improvement priority of this plan.
- **Pedestrian Amenities:** Provide a network of pedestrian improvements to link residents with the edges of the neighborhood. Consider on-street facilities, such as sidewalks, and off-street facilities, such as greenways or trails.
- **Public Park Facilities:** Evaluate the potential for a public park in the neighborhood.

Community Design

Over the course of the neighborhoods' development, the area has undergone a gradual transition from a rural to a suburban landscape. Suburban development is characterized by an orientation to the automobile, wide streets that enable higher traffic speeds, subdivisions of large single-family houses with large front, back, and side yards, and shopping centers and strip commercial establishments with large parking lots in front. While Greater Deyerle doesn't exhibit all of the aforementioned traits in textbook fashion, its form and function are that of a suburban neighborhood.

Development increased slowly but steadily since the area was annexed by the City. However, most of the neighborhood predates annexation. While the neighborhood has grown steadily, it still has one of the lowest populations of any in the City. The majority of development occurred after World War II. Almost 92% of the structures in the area were built after 1945, with the 1950s experiencing the greatest building boom. When the City annexed Greater Deyerle in 1976, the neighborhood was well established with a few large-lot farms with houses and several single-family subdivisions.

Architectural styles vary by subdivision, by and large corresponding to their respective era. This is evidenced by the high number of single-story and split-level houses. Out of 1,259 single-family houses in Greater Deyerle, 59% (742) are listed as single-story structures, while only 19% (238) have two stories. Greater Deyerle experienced building spurts in various periods of the 20th Century, and the diversity of housing styles found in the neighborhood reflects the evolution of American home building since the late 1800s. Accordingly, modern styles that emerged during the post-World War II era are the most prominent. These include *Minimal Traditional*, *Ranch*, *Split-level* and *Contemporary*. Other styles found in the neighborhood include *Colonial Revival*, *Gable-front (Greek Revival/Folk)*, *Neocolonial*, *Tudor*, and *Georgian*.

The undulating terrain contributes to the rural character that many residents have cited as one of the greatest attributes of the area. The

majority of the residential streets do not have a defined shoulder, curb, gutter or sidewalk. Drainage ditches are found on many streets as a means of channeling stormwater. Several newer subdivisions have curb and gutter per the requirements of the subdivision ordinance.

The street pattern is defined by rural arterial streets and suburban neighborhood streets, with quite a few cul-de-sacs and dead ends. Most of the older residential streets are narrow, between 20 - 25 feet in width, while more recently developed residential streets are between 30 - 35 feet wide. Most, if not all, houses have driveways and parking areas accessible from the street, as there are no alleys in the neighborhood for rear access.

Four arterial streets serve the neighborhood, Brandon Avenue, Electric (US Route 419), Mud Lick and Grandin Roads. Three of these, Brandon Avenue, Electric (US Route 419), and Grandin Roads are on the edges of the area. Brandon Avenue is the northern border of the neighborhood's residential core. It is a four-lane commercial corridor on US Route 11 that links Roanoke with the City of Salem where it becomes Apperson Drive. It was widened to four lanes in the mid 1990s. The section of Grandin Road commonly referred to as *Grandin Road Extension*, is the southern border of the neighborhood and is a winding two-lane street that connects the Raleigh Court and Grandin Court neighborhoods to Electric Road. Electric Road is a heavily traveled four-lane highway. It is the dividing line between the City and Roanoke County on the western edge of the neighborhood. It is part of Route 419, which serves as the Roanoke Valley's 'beltway,' providing a semi-circle from north to south around the western edges of the City. Mud Lick Drive is the main arterial street within the neighborhood, connecting Brandon Avenue and Grandin Road. Like Grandin Road, it is a winding two-lane street that was designed to serve a rural area. It has several hills and turns which limit peripheral views for drivers as they approach them.

Overall, Greater Deyerle is not conducive to pedestrian movement – a point cited by many neighborhood residents in a survey conducted by the Greater Deyerle Neighborhood Association. The vast majority of the streets were not only built without curb, gutter and sidewalk, but would also pose challenges and great expense to retrofit such improvements

today, due to their grade and the prevalence of drainage ditches. While the lack of sidewalks poses some inconvenience and a safety hazard to pedestrians, at the same time the design of the streets has helped preserve the rural character of the neighborhood by keeping pavement width to a minimum and following along the natural terrain. Wider or more level-graded streets would disturb the environment more and encourage higher traffic speeds.

The design of streets is typically the most pivotal aspect in defining a neighborhood's development pattern and character. Adding curb, gutter and sidewalk to rural streets requires development of additional right-of-way and thus impacts the adjoining properties both aesthetically and environmentally.

A crucial recommendation of this plan is to focus pedestrian improvements in off-street facilities, such as trails and greenways. Off-street pedestrian facilities will be less expensive than curb, gutter and sidewalk, and will not increase stormwater runoff or alter the character of the neighborhood's streets.

Zoning and Land Use

The core of the area is a single-family residential neighborhood, with commercial and multifamily development on the edges. Brandon Avenue and Electric Road are both four-lane commercial corridors that border the neighborhood and offer a variety of services.

The concentration of single-family houses is as high as any neighborhood in the City, and has long been cited as its foremost attribute. Commercial development on the fringes of the area has sparked opposition from the GDNA and neighborhood residents in recent years.

Most of the neighborhood south of Brandon Avenue is zoned R-7 or R-12, Residential Single-family District. The minimum lot size to develop these properties is 7,000 or 12,000 square feet, respectively.

In December of 2005 Roanoke adopted a new zoning ordinance. The new ordinance has enhanced development standards over the previous one with respect to landscaping, parking and lighting. Some new districts were created, yet most are comparable to the previous districts

in terms of permitted land uses. As the zoning and land-use maps illustrate, the update of the zoning map did not change any district in Greater Deyerle to render current land uses non-conforming. Non-conforming uses are those land uses that are not permitted in a given zoning district, yet are *grandfathered* and allowed to remain, but not expand.

The mapping of the zoning districts in Greater Deyerle by and large maintains the existing development pattern; residential and commercial properties are zoned accordingly. The new zoning ordinance will impact the features of new development and any addition or alteration to existing development, however the overall land-use categories, e.g. residential, commercial, etc., have remained principally the same. The rationale for maintaining similar boundaries for these districts in the update of the new ordinance is that the land uses are appropriate in their locations.

Table 4: Existing Land Use in Greater Deyerle

Land Use	# of Parcels	Acres	% of Neighborhood
Commercial/Industrial	88	187	13
Multi-Family	19	45	3
Single-Family	1,259	947	66
Institutional	7	37	2
Public Services	2	42	3
Vacant	218	183	13
Totals	1,593	1,441	100

Source: City of Roanoke, Department of Real Estate Valuation

Most of the existing commercial development in the area is of a suburban design with little regard for pedestrian access and landscaping to reduce storm water runoff. The suburban development pattern of the area was encouraged by past market trends and zoning policies, which required a large number of parking spaces, small lot coverage ratios, and large setbacks from streets. This type of development resulted in unused pavement and buildings on lots with large amounts of unused land. The development pattern of the area today still reflects this suburban

orientation. While the new zoning ordinance provides the regulatory tools to address some of these issues, it is likely that the existing development in the area will remain for several more decades.

Over the years, as commercial development has crept further from downtown and the core of the city, once isolated neighborhoods are close to commercial establishments with signage and street lights. Greater Deyerle is one of many neighborhoods in the City with such development on its edges. While the vast majority of the houses in the area do not abut commercial development, commercial zoning districts need to be logically established and their boundaries maintained to prevent further encroachment upon residential areas. One of the primary objectives of this plan will be to identify such boundaries. At the same time, future land use issues need to be anticipated and addressed with provisions for enough flexibility to achieve optimal results for the City and the residents of Greater Deyerle.

Table 5: Existing Zoning in Greater Deyerle

Zoning	# of Parcels	Acres	% of Neighborhood
RA Residential-Agricultural	9	112	8
R-12 Single-family 12,000 s.f. minimum lot size	1,151	881	61
R-7 Single-family 7,000 s.f. minimum lot size	151	66	5
RM-2 Mixed Density	52	23	2
RMF Multifamily	93	95	7
CN Neighborhood Commercial	17	9	<1
CG General Commercial	44	44	3
CLS Commercial-Large Site	3	8	<1
I-1 Light Industrial	35	106	7
I-2 Heavy Industrial	2	9	<1
MX Mixed-use	9	8	<1
IN Institutional	9	13	<1
ROS Recreation and Open Space	3	15	<1
MXPUD Mixed Use Planned Unit Development	11	3	<1
INPUD Institutional Planned Unit Development	2	47	3
Totals	1,593	1,441	100

Source: City of Roanoke, Department of Real Estate Valuation

Table 6: Parcels Zoned R-7

	Single-family	Vacant	Total
Total Number	120	31	151
Avg. Size	17,212	25,413	18,896
Over 14,000 Square Feet	53	17	70
Under 14,000 Square Feet	67	13	80

Source: City of Roanoke, Department of Real Estate Valuation

Table 7: Parcels Zoned R-12

	Single-family	Vacant	Total
Total Number	1008	133	1,145
Avg. Size	32,784	35,827	33,165
Over 24,000 Square Feet	479	52	533
Under 24,000 Square Feet	529	81	612

Source: City of Roanoke, Department of Real Estate Valuation

Community Design Issues

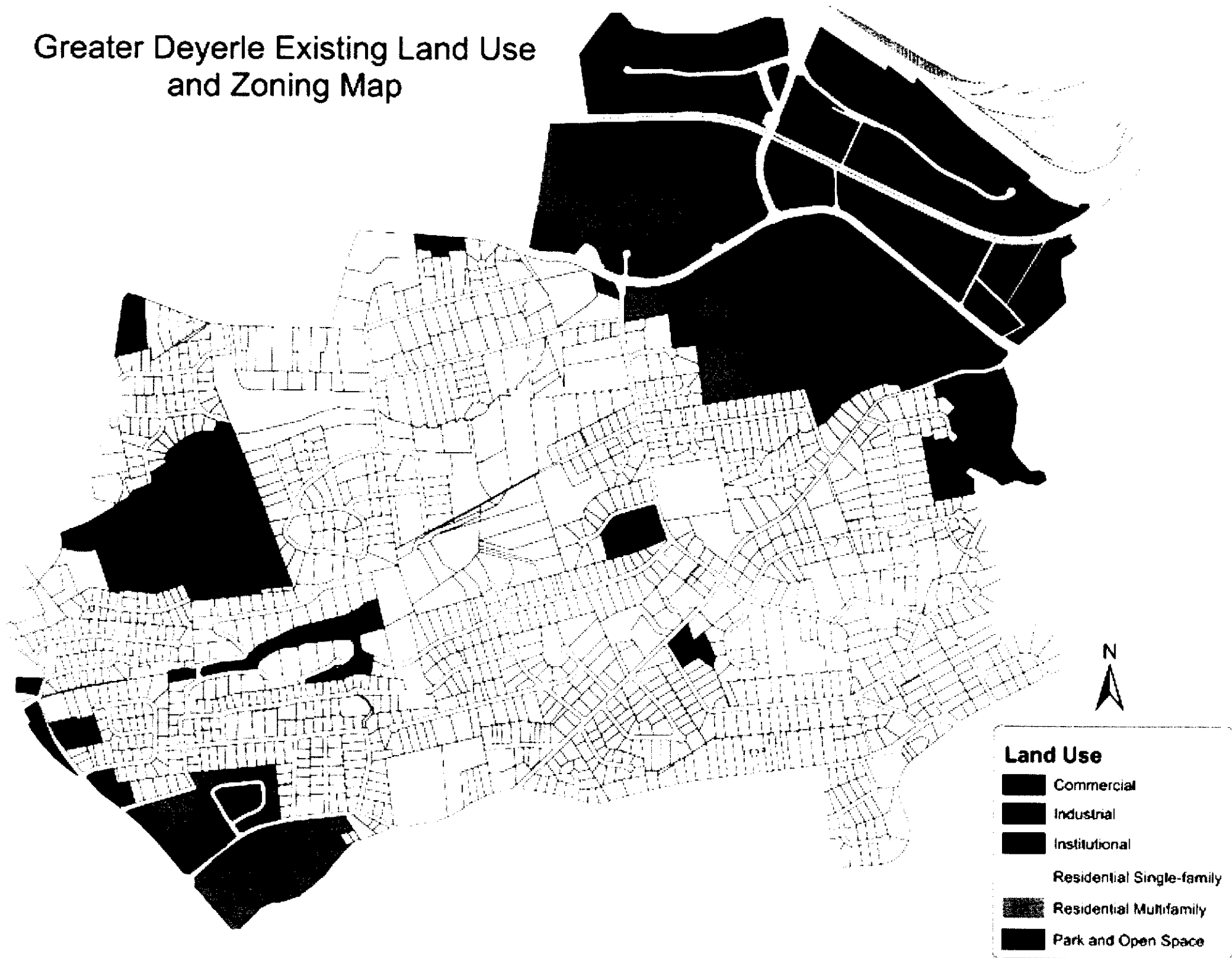
- Encroachment of commercial uses into neighborhoods
- Street design does not support pedestrian activity

Community Design Policies

- **Neighborhood Character** Established neighborhoods should retain their overall character and development patterns, while incorporating new development that is compatible with the neighborhood, the design guidelines of *Vision 2001–2020*, and efficiently uses limited land resources.
- **Design:** Future commercial development should adhere to the design principles of *Vision 2001–2020* for commercial corridors:
 - Concentrations of higher-density, mixed use development and live/work space at key intersections
 - Minimal curb cuts, shared parking, increased lot coverage, signs co-located, no excessive lighting, and orientation of buildings close to the street
- **New Development:** Require new developments to incorporate amenities (e.g. sidewalks and curbs)
- **Brandon Avenue Commercial:** The design guidelines of *Vision 2001–2020* should be adhered to: buildings should be closer to the street with parking to the side or rear
- **Zoning:** Commercial and residential zoning districts should be delineated to provide compatible transitions between land uses
- **Parking:** Paved parking spaces and impervious surfaces should be minimized
- **Zoning:** Maintain the current zoning districts as they are. If property owners request changes:
 - Evaluate rezoning requests based on the specific recommendations and guidelines of this plan.
 - Consider requests that will replace commercial properties with high-density residential development in areas where commercial uses abut residential properties.

- Support rezoning requests that will allow for expansion on existing commercial or industrial properties without encroaching into residential areas.

Greater Deyerle Existing Land Use and Zoning Map

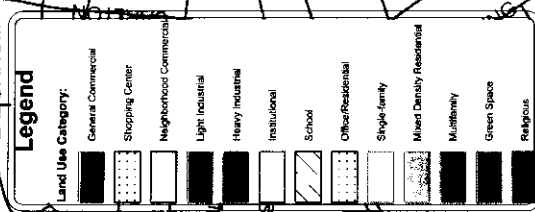


Greater Deyerle Future Land Use

Legend

Land Use Category:

- General Commercial
- Shopping Center
- Neighborhood Commercial
- Light Industrial
- Heavy Industrial
- Institutional
- School
- Office/Residential
- Single Family
- Mixed Density Residential
- Medium Density Residential
- Green Space
- Religious



Residential Development

Greater Deyerle has a stable housing stock. There are rarely any building code enforcement issues in the neighborhood, and homeownership is high among single-family homes. While the core of the neighborhood south of Brandon Avenue is predominantly single-family housing, there are five apartment complexes within the area plus Brandon Oaks, which is a retirement facility on Brandon Avenue. The presence of apartments offers a diversity of housing choices to short-term residents, and is an affordable option for some who can't afford to buy a house in the area. Overall, homeowners in the area expressed pride in their homes, and would like to maintain the character of their neighborhoods.

The neighborhood was sparsely developed prior to World War II. All of the apartment complexes were built from 1950 to 2002. Over 91% of the single-family homes in this area were built after 1945, with great spurts in the 1950s and 1960s. Over 58% of the neighborhood's single-family houses were built between 1950 and 1975. Almost 30% of the neighborhood's single-family housing was built after the area was annexed into the City. Growth slowed from the mid 1970s to mid 1980s, before surging in the late 1980s. By 1991 housing development leveled off and has remained at a low but steady rate since.

Table 5. Housing

	1990	2000	Percent Change	City of Roanoke Percent Change
Occupied Housing Units	1,505	1,921	22%	2%
Owner Occupied	1,029	1,268	23%	2%
Renter Occupied	476	653	37%	3%
Owner Occupancy Rate	68%	66%	-3%	-1%
Source: U.S. Census Bureau; 1990 Census, 2000 Census Summary File 1				

Recent development has added to the City's stock of higher end single-family housing. Residents did not voice many concerns with the appearance or upkeep of the housing in the neighborhood. However, new development over the last 10 years has drawn sharp criticism from many in the neighborhood, and there is overwhelming sentiment to halt or limit growth.

Greater Deyerle isn't alone in its desire to prevent future growth. Many neighborhoods in the City would prefer to halt all growth, as do many across the country. However, localities must plan for future growth. Even as the City is losing population, it is gaining households as noted previously. This is a national trend, which coupled with the robust housing market and low interest rates, has increased the demand for housing across the nation. The housing market in Roanoke is not as dynamic as that of Virginia's more populous regions, such as Northern Virginia and Tidewater, yet the Valley as a whole has enjoyed the recent housing boom.

Having a broad array of housing options is essential in order to attract young professionals and families. City Council adopted the *Strategic Housing Plan* in 2005 as a component of *Vision 2001-2020*. The plan's main focus is to address the shortcomings of the City's housing market by adding more middle-to high-end options. The City has long been the location of most of the Valley's affordable housing. Yet, over the last 60 years the abundance of low-income and substandard housing units has not been matched in equal numbers by construction of mid to higher end units.

Greater Deyerle is one of the few areas in the City that has experienced higher end housing. The recent update of the City's zoning ordinance reaffirmed the City's commitment to Greater Deyerle as a low-density single-family neighborhood. Residents have long been adamant about retaining the neighborhood's quiet, almost bucolic character. However, it would be inconsistent with *Vision 2001-2020* and short-sighted for this plan not to address the potential for growth in the neighborhood.

As noted previously, the City's population growth is not on par with other localities in the Roanoke Valley. Botetourt and Roanoke Counties,

and the City of Salem all experienced growth in the 1990s. The City has lost population while gaining in the number of households. While the latter can be viewed as a positive, the former is of concern as the City is impacted by the region's growth but doesn't share in all of the benefits. The City is impacted positively by the presence of more consumers, but is impacted negatively by increases in traffic, and the exodus of City residents to the counties in the region affects the City's tax base. Coupled with the high number of low-income housing units, these factors increase City expenditures exponentially in resources for Police, Code Enforcement, Social Services, and Transportation.

Table 6. Single-family Housing Construction			
Years	1811-1949	1950-1975	1976-present
No. Units	142	736	375

It is imperative that future development maximizes the land without disturbing too much of the natural environment and positive attributes that the residents of Greater Deyerle have long cherished. Future development in the neighborhood can be accommodated while remaining sensitive to the existing neighborhood environment.

Table 7. Multifamily Housing Construction			
Years	1811-1949	1950-1975	1976-present
No. Buildings	0	4	5

Development Opportunities

There are some undeveloped parcels in the area; however most belong to homeowners who have additional, adjoining lots. Department of Real Estate Valuation data lists 218 properties as vacant, defined by lack of a primary building. Most of the larger vacant parcels are in the western side of the neighborhood and are under power lines that extend north to south across the neighborhood. Appalachian Electric Power (AEP) has a public utility easement under these lines that prohibits development. There are numerous other vacant parcels in the neighborhood, most of which are only big enough to accommodate single-family housing. In addition, several vacant parcels are lakes.

Over 80 acres of land along the south side of Brandon Avenue and Mud Lick Road is now occupied by two single-family homes. This property has been a farm since it was first developed (City real estate records date a house to 1910), and today is home to several horses. In the previous Greater Deyerle Neighborhood Plan this property is noted as “an area that is of concern to many residents.” The plan states:

“The owners, who live on the property, have indicated a desire to maintain this use for long as it is economically feasible. However, if continuance of the farm is not possible, they have expressed a desire to consider a mixture of residential and office commercial uses for the property, recognizing that development compatibility, good design and adequate buffering of adjoining residences are important considerations.”

Since the original plan was adopted in 1990, this property is essentially unchanged. Both the use of the property, neighborhood, and owner sentiment remains the same. In the 2003 survey by the GDNA and in the public workshops, residents voiced their desire to see the area maintained as a farm or open space as it currently is.

The property is zoned RA, Residential-Agricultural District, which is the same designation it was zoned in the previous zoning ordinance. In the RA District, a minimum lot size of one acre is required for development of a single-family home. While in theory the property at present could be subdivided for the development of 80 single-family

homes, several requirements of the City's zoning and subdivision ordinances would ultimately lower that number slightly.

The subdivision ordinance requires that any newly subdivided parcel has access to a public right-of-way. While much of the property is accessible from Brandon Avenue and Mud Lick Road, a substantial portion of it is landlocked. To subdivide and develop this portion under its current RA zoning, the owners would be required to build and dedicate a public street. This would entail both a considerable expense and grading of some of the open space and trees.

This property has the greatest opportunity for future development, while at the same time is important to the neighborhood's self-identity and serves as its gateway and buffer from the commercial development along Brandon Avenue. Since its zoning designation wasn't changed with the adoption of the new zoning ordinance, its current use will remain intact until the owner of the property subdivides and develops it further, or petitions City Council to have the property rezoned. As previously noted, subdividing the land under its current zoning would be economically and environmentally challenging.

If the owner (current or future) should decide to develop this property, the optimal plan would be to rezone it to MXPUD, Mixed Use Planned Unit Development, and develop a housing cluster or a dense suburban style development that preserves open space and the natural features of the land.

Vision 2001-2020 encourages "housing clusters" on large sites. Housing clusters are market-rate developments that consist of a mixture of single-family, duplex, and townhouses. With most of the City's parcels already developed, or 'built out,' vacant or underutilized land is at a premium. New developments need to maximize the use of the land and preserve the natural environment as much as possible. Cluster development is ideal for large sites as it allows for greater densities while still maintaining some green space that benefits all residents.

Design features of housing clusters include:

- Traditional neighborhood design; houses should be oriented close to the street (less than 20 feet) and to each other. Houses have

minimal setback distance from the street, and parking should be on-street, or to the rear or side of the house.

- Traditional neighborhood streets; pavement widths need only be between 22–30 feet, and lined with trees, curb, gutter and sidewalk.
- Green space; approximately 20% of the development should be preserved either as natural forest or a landscaped buffer.
- Stormwater management; retention or detention ponds should be incorporated into the development without detracting from the aesthetic quality of the natural environment.

Housing cluster development is best done in the MXPUD zoning district. MXPUD zoning allows for a mixture of commercial and residential uses. In this case, any development should be heavily residential. The purpose of the MXPUD zoning is to provide design flexibility to encourage orderly development of large sites that maximize the land more than standard residential zoning categories. MXPUD developments tend to be denser than most single-family subdivisions and dedicate more of the land to open space or parks.

In the case of the property on Brandon Avenue, careful attention would need to be paid to the topography of the site and the lake that lies beside Brandon Avenue. The central and western portion of the property is a knoll, with lower elevations on the northeast and southeast. To preserve the knoll and most of the open space, the site would likely be best developed along and off of the frontage of Mud Lick Road. This would allow some use of the existing private street, Poplar Hill Road. Another potential design option for the property on Brandon Avenue would be to emulate the development of Riverside, Illinois. Riverside was designed by landscape architects Frederick Law Olmsted and Calvert Vaux, who designed New York City's Central Park and countless other parks and developments.

Riverside, a suburb of Chicago, was designed with the intent of blending a suburban village with its natural environment and the urban environment nearby. Riverside is characterized by its curved streets and lack of perpendicular intersections, an emphasis on views of the

surroundings, and landscaping planted strategically to create and enhance public spaces, while providing a variety of bright and shaded areas. While the property in question would be limited by its size in comparison to the development of Riverside, the same design principles would compliment the Greater Deyerle neighborhood.

Across Mud Lick Road from the property previously described, there is another large RA-zoned parcel, currently identified as Official Tax Map Number 5050213. This property is over 23 acres. Currently the owners reside on an adjoining parcel and maintain a small farm on the property. It is bounded by Mud Lick Creek on the east and Mud Lick Road on the north, but also has frontage on Hubbard Road on its southern and western portions. Hubbard Road provides access to the owners' home, and would be a logical access point for future development, in addition to Mud Lick Road.

A large portion of this property is within the 100-year flood plain. Any development of this site should be done with little to no building in the flood plain. By clustering units on the western side of the property, the flood plain can be avoided and much of the green space retained.

With limited land resources, the City must encourage efficient development patterns that maximize the potential of the land. *Vision 2001-2020* discourages new suburban style development in favor of traditional urban development patterns. However, established neighborhoods can and should be maintained to retain a sense of their original character. A balance must be achieved which recognizes that future growth is inevitable and must be planned for, while retaining the neighborhood's character through careful attention to design of the natural and built environments.

It should be noted that the aforementioned properties will remain indefinitely in their current zoning designation. The Future Land Use Map, which serves as the basis for future zoning decisions, recommends these parcels remain in their current land use; residential/agricultural. The intent of this plan with regards to these properties is to plan for *potential* development, not to initiate any City action to affect them. Such action would need to be initiated by the property owners at their discretion.

Residential Development Issues

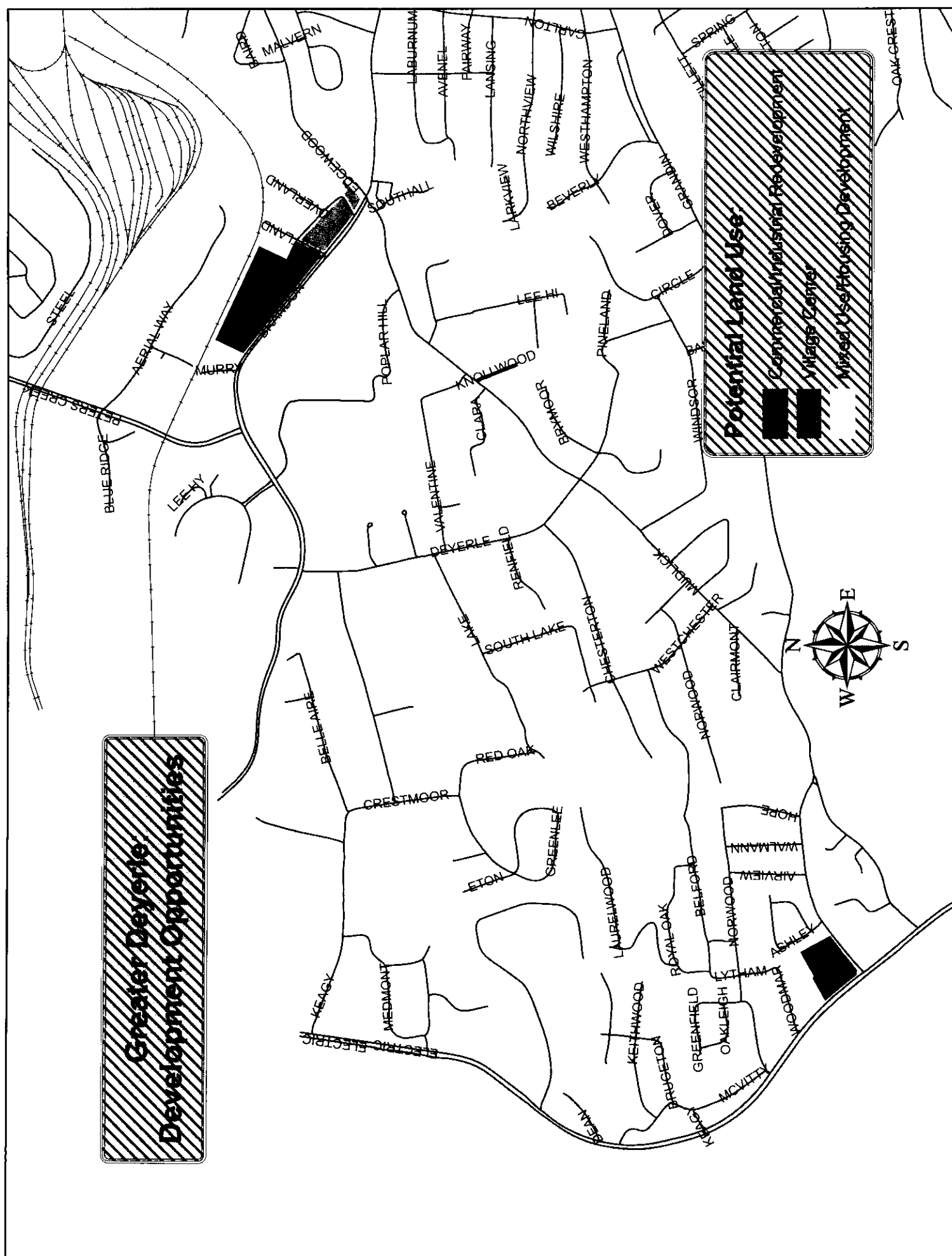
- Relationship between commercial and residential uses.

Residential Development Policies

- **Neighborhood Character** Established neighborhoods should retain their overall character and development patterns, while incorporating new development that is compatible with the neighborhood, yet which maximizes more of the land.
- **Zoning**: Zoning should reinforce the existing character of neighborhoods, while also providing opportunities for new development where feasible. The current zoning districts should be maintained as they are. If property owners request changes:
 - Evaluate residential rezoning requests based on the specific recommendations and guidelines of this plan.
 - Consider requests that will replace commercial properties with high-density residential development.
- **New development**: New development should be well-planned and use limited land resources wisely. Infrastructure should be installed in conjunction with new development, including street improvements to address added traffic.
- **Infill development**: Infill development should be aesthetically and functionally compatible with its existing context of adjoining development.
- **Housing Clusters**: Support the rezoning of vacant or underutilized large sites for mixed density housing provided that it is consistent with the design guidelines of *Vision 2001–2020*, preserves some green space to buffer existing development, and minimizes environmental impacts.

Residential Development Actions

- **Housing Clusters**:
 - Consider the development of several properties in the areas denoted on the *Development Opportunities* map.



Economic Development

While the Greater Deyerle neighborhood is a residential community, it is surrounded by commercial development. During the planning process of the first Greater Deyerle Neighborhood Plan, residents were adamant about protecting the neighborhood from commercial encroachment. As previously noted, residents remain steadfast in their desire to maintain the residential character of the neighborhood; however residents also frequent the commercial services nearby. In a survey conducted by the Greater Deyerle Neighborhood Association, over half of the respondents listed nine commercial services they use in the nearby shopping areas.

The shopping areas near the neighborhood include Southwest Plaza, Ridgewood Farms, Oak Grove Plaza, and Apperson/Brandon Avenues. Most of these commercial services are in Salem or Roanoke County. The proximity of these establishments affects the neighborhood; however the City doesn't have any regulatory authority over them since they are in different localities. The challenge of this plan is to improve and distinguish the commercially zoned properties in the neighborhood within the City, while taking into account the impact of the adjoining commercial areas. The commercial properties in the City are along Brandon Avenue and Electric Road. There is also some industrial development on the northern edge of the planning area on Blue Ridge and Aerial Way Drives.

Brandon Avenue

From the gateway to the neighborhood at Edgewood Road, west to the City corporate limits, Brandon Avenue is a four lane street lined with strip commercial development, though development is primarily on the northern side. There are a wide variety of commercial services.

Establishments include a gas station, a hardware store, an auto repair shop, an auto service shop, veterinarian, florist, restaurants, a car wash, two dry cleaners, various other retail businesses and professional offices.

At the time of the planning process, there were several vacant office and retail buildings. Several of them are large structures that could

be redeveloped with small, light manufacturing uses. With the proximity to Lewis–Gale Hospital, medical offices and support services are ideal for some of these buildings.

There are also a few vacant lots in this section of Brandon Avenue that will likely draw considerable interest in the private market in the near future. Traffic counts on Brandon Avenue, while not too high for its capacity, give these properties great visibility. These properties are zoned CG, General Commercial, which allows for a wide variety of commercial uses.

Economic Impact of Lewis–Gale Medical Center

The Lewis–Gale Medical Center is a 521 bed tertiary facility located on Electric Road in the City of Salem right along the corporate limits. It is just across Keagy Road from the Deyerle neighborhood. The medical center employs 1,509 people (as of the first quarter of 2004), making it the 11th largest employer in the Roanoke Valley region.

In 2005 a rezoning request was filed for a medical office on Keagy Road in Deyerle across from Lewis–Gale. The request was recommended to be denied by the Planning Commission, and subsequently denied by City Council. Concerns of the GDNA and a prior history of the neighborhood's opposition to additional commercial encroachment were factors in the public hearings.

Due to the potential for encroachment into this edge of the neighborhood, the future land use plan should clearly demarcate areas for commercial development that do not alter the neighborhood's current residential edges. At the same time, the City should promote a positive relationship with Lewis–Gale and its related services. Brandon Avenue offers several opportunities for redevelopment that are well suited to medical offices and support services. In addition, similar services in Roanoke County and Salem along Electric Road contribute to the overall vitality of the area.

Secondary Technology Zone

Vision 2001–2020 recommends the recruitment of “technology businesses.” Recognizing that this is a growth industry and that the

City's manufacturing base will not suffice long-term, attracting technology-related industries is a high priority for the City. Downtown is slated as the primary technology zone, while designating "key village centers as secondary technology zones." Such zones will be aided by tax incentives and various economic development assistance. The aforementioned properties on Brandon Avenue should be evaluated as potential sites for a secondary technology zone.

Brandon Avenue/Edgewood Street Village Center

Vision 2001-2020 recommends the creation of village centers. Village centers are centers in neighborhoods containing a mixture of higher density residential and neighborhood commercial uses, e.g. convenience stores and restaurants. They serve as the focus of neighborhood activity, and provide nearby residents with shopping options without leaving their neighborhood.

Vision 2001-2020 identifies the Edgewood Street/Brandon Avenue area as a potential village center. The intersection of Edgewood Street and Brandon Avenue is busy and is a good central point for neighborhood commercial activity. While at present this area has some village center attributes, additional commercial establishments and streetscape improvements would enhance its identity and attract more people. Establishments have the potential to serve the surrounding neighborhood and at the same time reap the benefit of the steady flow of traffic on Brandon Avenue.

Streetscape improvements to this section of Brandon Avenue should be done in accordance with any future improvement projects. Any improvements to the village center should focus more on overall beautification than a change to the function of the street. Improvement strategies should address the following goals:

- Improve pedestrian safety
- Minimize disruption of the existing neighborhood
- Control vehicle speeds – ensure travel speeds that are appropriate for the street's function and the character of adjacent development.

- Retain capacity to handle current and future volumes, while not inducing more traffic
- Ensure other thoroughfares carry their "fair share" of traffic

Electric Road

Electric Road has a great number of commercial establishments and professional offices. Several office complexes, a bank, a small theater, and a strip shopping center, Southwest Plaza, lie along the eastern (City) side of Electric Road at the southwestern edge of the neighborhood. Two other shopping centers, Oak Grove Plaza and Ridgewood Farms, are in Salem and Roanoke County, respectively.

The first phase of Southwest Plaza was built in 1974 facing Grandin Road, while an additional section was built in 1988 that faces Electric Road. The plaza abuts an apartment complex and a townhouse development. It is a standard shopping center for its era, with one-story buildings laid out horizontally across the rear of the parcel, fronted by a wide sidewalk and a large expanse of surface parking.

If this property is ever redeveloped in the future, it should be a mixed-use complex of office, retail and residential that maximizes the footprint of the site by building additional stories and accommodating more services. This site could serve as a village center for residents on this side of the neighborhood, while also maintaining a presence and visibility on Electric Road.

Blue Ridge Park for Industry

The Blue Ridge Park for Industry is a small industrial park located between the railroad track and the Roanoke River. It is accessed via Peters Creek Road onto Aerial Way Drive. The park was developed in the 1960s and 70s and has prospered as one of the City's cleanest and most dynamic in recent years. It features a variety of manufacturing uses on lots that range from two to seven acres. The size, scale and location of the park contribute to its success, while at the same time limiting its impact on the surrounding area. It is self-contained between the river and the railroad tracks, and the Peters Creek extension has made it ideal for shipping.

The park was once in an enterprise zone. In 2003 when the City applied to have its enterprise zones recertified by the Commonwealth of Virginia, it was determined that it did not need to be included due to its previous success and full occupancy. The Blue Ridge Park for Industry is a viable part of the City's tax and employment base and should be maintained to build upon its past success.

Economic Development Policies

- Existing underused commercial properties should be (re)developed before rezoning additional land for commercial use.
- Medical and technology-related industries should be recruited to the northern side of Brandon Avenue
- Existing commercial properties should be used to their fullest potential, with minimal parking spaces
- Limit commercial zoning to identified commercial areas
- Discourage further commercial development on Keagy Road in the vicinity of Lewis–Gale Medical Center.

Economic Development Actions

- Make streetscape improvements to enhance the village center at Brandon Avenue and Edgewood Street
- Promote reuse of vacant structures on Brandon Avenue for medical offices and technology-related industries and facilitate zoning changes if necessary.
- Consider the following alternatives for the north side of Brandon Avenue based on timing and private sector investment:
 - Redevelopment of several parcels for a Planned Unit Development (PUD), particularly of a use that would complement Lewis–Gale Medical Center, or a “secondary technology zone.”
 - Streetscape improvements on Brandon Avenue to promote a village center development pattern
 - Consider zoning which will allow for light industrial uses
- Consider rezoning proposals for Southwest Plaza that will create a pedestrian friendly environment with a higher density of commercial and residential uses

Transportation

Existing Transportation System

A majority of the streets in the Greater Deyerle Neighborhood were designed and constructed from the 1940's through the 1960's, when Deyerle was a largely undeveloped part of Roanoke County. Streets constructed during this era have narrow pavement widths and a shoulder and ditch drainage design. Streets built since the neighborhood became part of the City of Roanoke, in 1976, have transitioned to a more suburban design, with wider pavement, curb, gutter, and sidewalks (in some cases).

The Neighborhood street layout is distinctly suburban and reflective of the post World War II period in which it was initially developed. The streets have a curvilinear pattern that mirrors the rolling topography of the area, and there are a substantial number of dead end and loop streets. Primary access to the neighborhood is provided by Brandon Avenue, Mud Lick, Deyerle and Grandin Roads. The Virginia Department of Transportation classifies Mud Lick Road as a "minor arterial" street. A minor arterial is a street that connects with a principal arterial system (e.g., Brandon Road) and provides service for vehicle trips of moderate length at slightly lower mobility levels than a principal arterial. Grandin Road is classified as a minor arterial between Mud Lick and Electric Roads, and east of Garst Mill Road. Between Garst Mill and Mud Lick Roads however, it is classified as a collector street. A 'collector' is a street that provides both land access and traffic circulation within a neighborhood. The remainder of the streets in Greater Deyerle are classified as "local" since they primarily provide direct access to abutting land and to higher order streets.

Since 1990, the City has completed the following transportation projects in the Greater Deyerle Neighborhood:

- Peter's Creek Road extension from Melrose Avenue to Brandon Avenue.

- Brandon Avenue widening from two to four lanes (Edgewood Street to city limits)
- Left turn restriction for traffic turning from Brandon Avenue onto Deyerle Road (only during AM and PM peak traffic period)
- Left turn restriction for traffic turning from Deyerle Road onto Brandon Road (removed at the request of the neighborhood)
- Left turn restriction for traffic turning from Grandin Road onto Mud Lick Road (removed at the request of residents)
- Four-way stop at Mud Lick/Deyerle Road intersection
- Flashing "Stop Ahead" warning signs on Mud Lick Road as it approaches the intersection with Deyerle Road
- Turn islands at Circle/Grandin Road and Mud Lick/Grandin Road intersections
- Speed humps on Deyerle Road and Cravens Creek Road (all, but one on Cravens Creek Road, removed at the request of the neighborhood)

City/Neighborhood Traffic Agreement

Due to concerns regarding the construction of Peter's Creek Road extension, in 1992 the City of Roanoke entered into a 15 year Memorandum of Understanding (MOU) with the GDNA concerning traffic volumes in the neighborhood. The MOU formalizes a communication process between the City and the GDNA regarding traffic issues. For instance, the City agreed to provide an annual report to the GDNA of traffic volumes on Keagy Road, Cravens Creek Road, Mud Lick Road, Circle Drive, Deyerle Road, and Grandin Road. When on any of these streets there is a 25 percent increase in traffic volumes, in comparison with 1989 levels, the City agreed initiate a process with the neighborhood

to seek mutually acceptable mitigating measures. Since the inception of this agreement, there have only been a couple of streets where traffic volumes exceeded the 25 percent threshold in a given year. In response, the City coordinated with the GDNA and neighborhood residents to install traffic control and calming devices.

The 17 years of traffic volume data that the City has collected in the Greater Deyerle Neighborhood shows that the Peter's Creek Road and Brandon Avenue improvement projects have not caused a substantial increase of traffic into the neighborhood, and traffic control measures have effectively mitigated the few issues that may have been caused by those projects. Transportation planning for the neighborhood will continue as part of the City's neighborhood planning process, the Roanoke Valley Area Metropolitan Planning Organization's long-range planning process, and consideration by the City of specific improvements requested by the Greater Deyerle Neighborhood Association.

Neighborhood Concerns

In a 2003 survey conducted by the Greater Deyerle Neighborhood Association, concerns regarding transportation were ranked as the top five, out of thirteen, neighborhood issues, as follows:

1. Reduce the speed of traffic
2. Reduce the volume of traffic
3. Redesign major streets to support auto, pedestrian, and bicycles
4. Place sidewalks on major streets
5. Develop a network of greenways through the neighborhood

In the two workshops held to develop this plan, the participants offered similar transportation comments with particular emphasis on the issues of vehicle speed, cut-through traffic, and vehicle/pedestrian safety. In addition, it was noted that the neighborhood's streets are not safe for bicycle riding, due in large part to driver behavior. Virginia law entitles cyclists to the same access to public streets as vehicles.

Future Transportation Plans

Presently there are no projects in the VDOT *Six-Year Improvement Plan* (Fiscal Years 2007–2012) for the Greater Deyerle Neighborhood. There are also no projects identified in the *Roanoke Valley Area Long-Range Transportation Plan 2025* or the City's current *Capital Improvement Program* (CIP).

Brandon Avenue

In addition to the MOU between the City and GDNA, the City widened Brandon Avenue at the neighborhood's urging as part of an agreement for the Peters Creek Road extension. Brandon Avenue is four lanes plus a center turning lane between the intersection of Edgewood and Mud Lick Roads to the corporate limits.

This section of Brandon Avenue is lined with strip commercial development, most of which is on the northern side. Traffic counts on Brandon Avenue are not very high given its capacity. The four lanes and center turn lane allow traffic to flow steadily while not being slowed by vehicles turning into the commercial establishments. At the same time, however, this section of the street has an unnecessarily large amount of pavement and its excess capacity encourages speeding. Grass medians at the intersections of Peters Creek Road and Edgewood and Mud Lick Roads help to define the intersections, add some pervious surface, and slow down vehicles as they approach the signals. Placement of additional medians should be considered for this section of Brandon Avenue, but must be done in a manner that doesn't negatively impact businesses on the street.

Mud Lick Road

Mud Lick Road serves as the primary route in which most residents use to access the heart of the Greater Deyerle Neighborhood, from either Brandon Avenue or Grandin Road. VDOT classifies Mud Lick Road as a minor arterial, which means that it connects local and collector streets with a principal arterial system (e.g., Brandon Avenue) and provides service for vehicle trips of moderate length. Mud Lick Road has an annual average of 3,000 to 4,000 vehicle trips per day and a posted speed limit

of 25 miles per hour (mph). The pavement is generally 24 feet wide and has a shoulder and ditch section contained within its 50 feet of public right-of-way. There are significant stretches of the Mud Lick Road that have residential dwellings fronting directly onto it.

Neighborhood residents have expressed on-going concerns regarding the speed and volume of traffic on Mud Lick Road. Residents whose houses front upon Mud Lick are often concerned about the safety of turning into and out of their properties. The traffic volumes and lack of curb and gutter on Mud Lick Road make it difficult to construct many of the traffic calming measures that would most effectively address its speeding and safety issues, however there are some solutions that may warrant further consideration, such as:

- Increased police enforcement
- Speed trailers
- Driveway warning signs
- Textured pavement
- Traffic circle

Deyerle Road

Deyerle Road serves as an important route of access to the Greater Deyerle Neighborhood, from either Brandon Avenue or Mud Lick Road. Deyerle is not functionally classified by VDOT, however it essentially functions as a collector street, in that it provides both land access and traffic circulation within the neighborhood. Deyerle Road has an annual average of approximately 3,000 vehicle trips per day and a posted speed limit of 25 mph. The pavement is generally 20 feet wide and has a shoulder and ditch section contained within its 50 feet of public right-of-way. Deyerle Road generally serves to connect local residential streets with Brandon Avenue and Mud Lick Road, and to a lesser degree it provides direct access to residential properties.

Neighborhood residents have expressed on-going concerns regarding the speed and volume of traffic on Deyerle Road. The turn restriction limiting left turns from Brandon Avenue onto Deyerle Road (7AM–9AM and 4PM–6PM) limits traffic, however some neighborhood

residents believe that it is not all that helpful and is more of an inconvenience for the neighborhood residents. The turn restriction limits access and the neighborhood already has very limited access. The lack of curb and gutter on Deyerle Road makes it difficult to construct many of the traffic calming measures that would most effectively address its speeding and safety issues, however there are some solutions that warrant further consideration, such as:

- Increased police enforcement
- Speed trailers
- Driveway warning signs
- Textured pavement

Grandin Road

Most of the portion of Grandin Road within the neighborhood is referred to as *Grandin Road Extension*. However, technically by name, Grandin Road Extension is in Roanoke County to the west of Electric Road. Grandin Road is the neighborhood's southern arterial street. It is used regularly by many on that side of the neighborhood, and has a steady flow of traffic from commuters around the area. Between the 3400 block and Glen Heather Road it is the southern boundary of the neighborhood. In this segment, the center line of Grandin Road is also the City corporate limits, as the southern side is in Roanoke County.

Grandin Road was designed in a rural fashion like most of the original streets of the neighborhood. It has two-lanes and does not have any curb, gutter and sidewalk, or much of a shoulder. Residents have long stated that traffic comes into the neighborhood from Grandin Road. In 1990 a sign was erected to prohibit left turns from Grandin onto Mud Lick Road. The sign was removed after several months due to complaints from motorists that frequently used that route.

Speeding has also been cited as a problem on Grandin Road. City staff worked with the GDNA and installed a landscaped median at the intersection of Mud Lick and Grandin Roads to slow down traffic. There is also a similar median at the intersection with Glen Heather Road.

The appearance of some segments of Grandin Road was noted in the GDNA survey as needing improvement. In addition, the intersection at Airview Road has been identified by neighborhood residents as a problematic blind spot.

If Grandin Road is considered for curb, gutter and sidewalk installation, any additional improvements or redesign of the street should be evaluated concurrently. In addition, any future improvements to Grandin Road should be coordinated with Roanoke County and VDOT to ensure that the street is optimally designed.

Circle Drive and Eastview Drives

Neighborhood residents identified cut-through traffic using Circle and Eastview Drive to access Grandin Road or Deyerle Road as a significant issue. More precisely, their concern relates to traffic speeding on these streets, especially at the Circle/Eastview and Eastview/Pineland intersections. Realignment of these intersections should be further explored in order to best control vehicle speeds.

Public Transit Service

Currently the only fixed-route transit service to the Greater Deyerle Neighborhood is provided by Valley Metro along Brandon Avenue. No other routes in the Valley Metro system extend into or border the neighborhood. On-demand, curb-to-curb transit service is provided by RADAR for physically, mentally disabled, or transportation disadvantaged individuals. Neighborhood residents have expressed wishes for more convenient fixed-route transit service.

Transportation Issues

- Vehicle speeds on neighborhood streets
- Limited access

Transportation Policies

- Maintain the residential character of all streets south of Brandon Avenue.
- Discourage widening of any streets for additional travel lanes, unless such improvements are designed to accommodate pedestrians or bicycles.
- Implement traffic-calming measures where feasible to control vehicle speeding

Transportation Actions

- Consider removing the left turn restriction from Brandon Avenue onto Deyerle Road

Infrastructure

Sewer and Water

Public sanitary sewer and water are available to all areas of the Greater Deyerle neighborhood. Sewer lines are equally dispersed throughout the neighborhood located along right-of-ways and easements through various properties. Water lines are present on every street in the neighborhood with the exception of Keagy Lane S.W. Sewer and water services are provided by the Western Virginia Water Authority. In 2003 City Council adopted an amendment to the City Code that would require all new development to connect to City sewer lines. Only in circumstances where gravity connections or pump stations are impossible can a property owner install a septic tank. The Western Virginia Water Authority processes and administers all sewer and water connections. The Authority's policy for extending main sewer lines requires residents of a given area, usually a block or more of a street, to cover half the costs. This is a considerable expense for most property owners and it requires significant time for them to reach consensus and organize their efforts. In addition, fees for water and sewer connections have increased since the creation of the Authority, and as a regional government organization it serves Roanoke County as well as the City, making the selection of projects more competitive during each year's budget.

The Authority recognizes that septic tanks can become problematic and as a matter of policy would like to connect as many properties to public sewer lines as possible. The Authority should continue to evaluate sewer line extensions within the parameters of the current extension policy, and, in conjunction with the City, examine alternative means for providing such extensions, if necessary.

Stormwater Management

The Greater Deyerle neighborhood has numerous private lakes and creeks that are considered assets to the neighborhood but stormwater runoff during rainstorms is a major problem for properties with houses located in the floodplain. The problem is a complex one and is not easily solved given the topography of the area and existing development.

Three large watersheds, Craven, Barnhart, and Mud Lick Creeks, drain into and/or through the neighborhood. All of these streams have been impacted by development both in the City and the County. The Federal Emergency Management Agency (FEMA) has designated floodplain boundaries for all three creeks.

Stormwater improvement projects are catalogued in the Capital Improvements Program (CIP) by the Engineering Division. The CIP includes rankings and budget estimates for each project. There are currently 11 projects in Greater Deyerle and all are stormwater related. None is currently a high priority compared to other projects throughout the City.

Residents noted several areas in the neighborhood that are flood prone. During periods of flooding, infiltration and inflow of stormwater in sanitary sewer lines on Mud Lick and Chesterton also create backflow problems for some residents.

Flooding also occurs at the intersection of Deyerle Road and Chesterton due to brush and trash buildup at the culvert under Deyerle Road. Efforts should be made to clean up debris at this location after heavy rains to prevent flooding in the future. Residents should report this problem whenever it arises.

Issues with flooding are also present at the crossing of Cravens Creek Road over Cravens Creek. Flood water backs up in the field to the north of Cravens Creek Road because the culvert under Brandon Avenue is too small to handle the amount of water coming down Cravens Creek during times of flooding.

Ponding of water occurs in the backyards of homes along Gatewood Drive. Residents of these homes would like to see a culvert or storm drain placed at the intersection of Gatewood Drive and Norwood Street to eliminate the ponding of water in their backyards.

While the projects listed currently in the CIP are not ranked high, as noted above, neighborhood residents stated that alleviation of stormwater runoff is a high priority and would like to see some of these projects funded in lieu of other infrastructure and capital improvement projects.

Table 8: Deyerle Capital Improvement Program Stormwater Projects

Rank	Priority Index	Project Name	Project Description	Estimated Cost
	179	Blue Ridge Park for Industry Channel	Dredge 1200 feet of silted channel from N&S Culvert to Mud Lick Creek	\$ 50,600
	173	3519 Windsor/ Brymoor Road - Phase I	Install 700' SD system, 3 manholes and 3 inlets to eliminate a drainage well located at 3519 Windsor	\$ 151,300
	171	Norfolk & Western R/R Crossing	Enlarge N&S bridge removes roads and 5 struct. from 10-yr	\$ 328,000
	159	Barnhardt Creek at Cravens Creek Road	Enlarging Cravens Creek Rd. bridge to 10-yr requirements	\$ 365,000
	157	3519 Windsor/ Brymoor Road - Phase II	Replace inlet at 3553 Windsor and failed pipe to connect to system installed in Phase I	\$ 50,500
	153	3559 Brymoor	160' of 15" RCP, one inlet and one manhole	\$ 22,000
	151	Gatewood (5000 block)	625' of concrete/ec-2 ditch line	\$ 30,000
	147	Murdock Creek Phase 3	Channelization @ Chesterson from Westchester to Deyerle	\$ 643,000
	143	5044 Bruceton Rd.	80 feet of stabilized ditch	\$ 5,800
	143	Mud Lick Creek at Mud Lick Road Crossing	Raise and enlarge Mud Lick Rd. Bridge to meet 10-yr	\$ 283,500
	123	2006 Knollwood	Replace culvert under Mud Lick Road	\$ 12,700

Curb, Gutter, and Sidewalk

Aside from Brandon Avenue, there is little curb, gutter and sidewalk in Greater Deyerle. Some residential streets have curb. On some streets it isn't feasible to install curb, gutter and sidewalk due to the lack of right-of-way width, rolling topography and drainage issues. Arterial streets are the highest priority for a complete system of curb, gutter and

sidewalk. Grandin Road is the neighborhood's best street for installation of curb, gutter and sidewalk. East of the neighborhood in the Grandin Court area there is curb, gutter and sidewalk on both sides of the street. Installation on the north side of the street that will connect to the existing network should be evaluated. This would entail installation on the street outside of Greater Deyerle's boundaries, but would benefit those in the neighborhood that would like to walk on Grandin Road.

Many residential streets could benefit from curb installation only, and are not developed densely enough to justify sidewalk installation. The Infrastructure Improvements map lists all streets that lack curb, gutter, and sidewalk. A number of factors should be considered when making decisions for the installation of curb, gutter and sidewalk:

- *Vision 2001–2020*: The comprehensive plan addresses streetscape improvements as a priority, including sidewalk installation.
- The Subdivision Ordinance: The ordinance requires that developers install curb, gutter, and sidewalk whenever subdividing land for development.
- Width of the street's right-of-way: Many streets in the area are not wide enough to install sidewalks, but can accommodate curb and gutter.
- Pedestrian safety and volume of traffic: Sidewalk installation improves pedestrian safety, especially on heavily traveled streets.
- Storm water drainage problems: curb and gutter can alleviate drainage and run-off problems on many streets, but often have little to no impact on properties below the grade of the street.

Requests for curb, gutter and sidewalk improvements are submitted to the Engineering Division of the Department of Public Works. All requests are reviewed by several City departments and rated based on their need, feasibility, and relationship to any concurrent City project areas. One criterion is the location's inclusion in a neighborhood plan.

Given the development pattern and topography of Greater Deyerle, installation of a network of sidewalks large enough to serve pedestrians through the neighborhood is unrealistic. As an alternative, this plan

proposes that pedestrian improvements be considered in the form of both on-and off-street facilities, such as greenway routes or trails. The installation of any sidewalks should only be undertaken for circumstances that justify the expense. Good examples of such circumstances are:

- 1.) Installation of curb, gutter and sidewalk on arterial streets, such as Grandin and Mud Lick Roads.
- 2.) Installation of sidewalks on a given street that could provide a connection to an existing network, such as on Brandon Avenue.
- 3.) Installation of sidewalks lead to a future trail or greenway.

Fiber and Telecommunications

Fiber and telecommunications lines serve the Greater Deyerle neighborhood via specific corridors. These corridors are located along Grandin Road, Brandin Avenue, and from Electric Road/Route 419. Keagy Road, Belle Aire Street, and Cravens Creek Road serves as a sub-corridor through the northern part of the neighborhood. Access from these corridors is provided by individual service providers to residents.

Infrastructure Policies

- Streetscapes should be well maintained, attractive and functional for pedestrian, bicycle and motor vehicle traffic.
- Streets widths should be kept to the minimum necessary to accommodate vehicular traffic including fire and EMS vehicles.
- Public water and sewer service will be provided for all new developments unless it can be demonstrated that connection is not possible. Existing development should be evaluated for connections within the framework of existing policies.
- Curb, gutter and sidewalk will be provided for all new developments.
- Arterial and collector streets should have urban amenities such as curb, gutter and sidewalk. Appropriate species of trees should be planted as a part of such improvements where feasible.
- Infrastructure should be installed in conjunction with new development, in some cases including street improvements to

address added traffic. Traffic studies by prospective developers may be required.

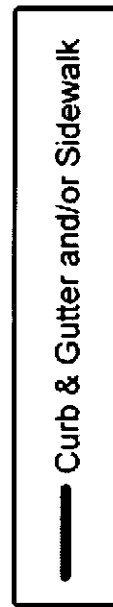
- Storm water runoff should be mitigated as much as possible through improvements that are consistent with the character of the neighborhood.
- Alleviate storm water runoff as much as possible through alternatives to curb and gutter. Install curb and gutter in select areas that will alleviate drainage problems.

Infrastructure Actions

- Install sewer and water connections where needed within the framework of existing connection policies.
- Construct new curb, gutter and sidewalk based on the following factors:
 - New subdivisions – all new developments will have curb, gutter, and sidewalk.
 - Install curb, gutter and sidewalk on arterial streets if connections can be made to existing networks. Grandin Road is the top priority.
 - Install curb, gutter and sidewalk where it can connect to an existing or proposed greenway or trail.
 - Install curb on select streets where installation will not exacerbate storm water runoff.
- Establish or maintain vegetated strips along streams to filter runoff and improve water quality.
- Identify and complete the most vital stormwater mitigation projects.

Curb, Gutter, and/or Sidewalk

This map shows the West Hill neighborhood with streets labeled. A legend indicates that thick black lines represent 'Curb & Gutter and/or Sidewalk' project areas. The project areas include: Aerial Way, Murry, Peters Creek, Lee Hy, Brandon, Old Salem, Poplar Hill, Orchard Hill, Lee Hi, Knollwood, Clara, Valentine, Deyerle, Loblolly, Lake, Renfield, South Lake, Chesterston, Brynmoor, Windsor, Circle, Dover, Barnhill, Grandin, Clairmont, Mudick, Norwood, Grandin, Glen Heather, Hope, Almam, Airview, Woodmar, McVitty, Norwood, Lytham Belford, Royal Oak, Mount Holland, Keithwood, Coral Ridge, Medmont, Keagy, Belle Aire, Crestmoor, Red Oak, Lakecrest, Eton, Greenlge, and Laurelwood.



Public Services

Fire/EMS

Fire/EMS response is provided by Station #4 located at 3763 Peters Creek Road, S.W. It houses an engine and a tanker truck. The station is the newest in the City, is in excellent condition and was strategically located to provide service to the neighborhood. It is not identified for capital improvements in the Fire/EMS Strategic Business Plan.

Solid Waste Management

The Division of Solid Waste Management provides weekly collection of residential refuse, bulk & brush, recycling, commercial refuse collection, seasonal collection of leaves, and hazardous waste. Increasing the volume of recycling in the City is a goal stated in *Vision 2001-2020*. Recycling helps conserve energy and natural resources, reduces solid waste, protects the environment, and creates jobs to help the economy. Curbside recycling is provided on a weekly basis the same day as residential refuse collection. To maximize the productivity of the program, recycling is collected in two separate categories; 1) paper products, and 2) bottles and cans. The staff of the Solid Waste Management division alternates collection of these two every week. Paper, including newspapers, junk mail, chipboard boxes(cereal, pasta, gift, etc.), and corrugated cardboard, are collected one week. The following week, aluminum, tin cans, glass bottles, and plastics numbers 1 and 2 are collected. Other than separating paper from bottles and cans, tedious sorting is not required with this collection program.

Schools and Libraries

Students in Greater Deyerle attend Woodrow Wilson Middle School and Patrick Henry High School. Hidden Valley Middle School, part of the Roanoke County School System, is located in the western part of the neighborhood. Access is provided from Electric Road/Route 419. County students are bussed into the school. There are no library branches in the neighborhood.

Public Services Policies

- Police officers should keep neighborhood residents informed of significant occurrences of crime trends in the area.
- Code enforcement inspectors should take a proactive approach to addressing all property maintenance violations
- Valley Metro should consider increased route coverage area within the neighborhood.
- Continue communication between neighborhood organizations, Neighborhood Services, and the Police Department regarding crime prevention.

Public Services Actions

- Consider expansion of transit routes within the neighborhood.

Quality of Life

Public Parks

The Greater Deyerle neighborhood is set in a hilly, wooded corner of the City, yet is surrounded on two sides by busy, arterial streets and commercial development. The neighborhood itself has an abundance of green space, i.e. undeveloped land with trees and vegetation, yet lacks any public recreation space including sidewalks and pedestrian amenities. Several residents in the neighborhood have expressed interest in having a park, and the GDNA has formed a committee to study the issue.

Per the *Parks & Recreation Master Plan*, the Greater Deyerle Neighborhood is one of the few remaining neighborhoods that does not have a neighborhood park. It is the recommendation of both the residents and staff of Parks and Recreation that a consensus building effort be established for the neighborhood to identify the feasibility of a future park.

At the time of the planning process, the City was not ready to create another park, or purchase any land in preparation for one. However, the direction set by this plan will be to weigh the creation of a park in Greater Deyerle in relation to other goals of *Vision 2001–2020* and the *Parks and Recreation Master Plan*.

The *Active Living* Initiative

Active Living by Design is a concept that promotes environments that offer choices for integrating physical activity into one's daily life. By designing structures, communities, and environments that reduce automobile reliance and support pedestrian and bicycle activity, physical structures can help improve public health by promoting active living, a way of life that integrates physical activity into daily routines.

Routine physical activity is necessary to prevent premature death, unnecessary illness and disability, enhance physical and mental health, and help maintain a high quality of life for everyone. A healthy environment that is designed to positively affect physical activity by providing pedestrian-friendly amenities would: encourage walking and

biking; promote human interaction and social adhesion; remove barriers to activity for everyone; and make healthy levels of physical activity attainable for large numbers of people during their daily routine.

It is the desire of the City to create livable, healthy, and attractive environments with a special focus on the landscape design of our built environments in our neighborhoods, public spaces, parks, greenways, trails, and streetscapes. By designing human-scale communities with buildings, signs, lighting, vegetation, and other improvements, people can feel more comfortable interacting in and moving around their neighborhood within a safe and visually stimulating system of parks, greenways, & trails.

Greenways & Walking Trails

Support for greenway or trail connections has also been voiced by the neighborhood. Most of Deyerle's streets are not conducive to on street pedestrian or bicycle accommodations due to narrow right-of-way and the undulating terrain. The current *Roanoke Valley Conceptual Greenway Plan* includes five proposed routes that would run through or on the edges of the neighborhood:

Route 29: Peters Creek Road Extension

Would link area neighborhoods with the proposed Roanoke River Greenway, and complete a portion of a bicycle transportation route toward downtown Salem and Roanoke.

Route 36: Barnhardt Creek

This creek could serve as a linkage to the Roanoke River for several suburban neighborhoods in Southwest Roanoke, including Farmingdale, Medmont Lake, and Crestwood.

Route 37: Mud Lick Creek

Mud Lick Creek would be a valuable off-road corridor, providing linkages for many suburban neighborhoods, schools and libraries in the Cave Spring area of Roanoke County and Southwest Roanoke City. This routes

passes by Cave Spring Corners Shopping Center, Melody Acres, and Lee Hy Gardens.

Route 38: Brandon Road

This short on-road corridor would link to Grandin Road, providing cyclists with a direct route into downtown Roanoke from the southwest.

Route 39: Grandin Road

Grandin Road would provide a direct on-road route into downtown Roanoke from the southwest. This route would link a densely populated suburban area with the Roanoke River and other amenities such as schools and shopping centers.

However, at the time of the planning process, City staff was in the process of formulating a City greenway plan, as well as updating the regional plan with Roanoke Valley Greenways and the Roanoke Valley Alleghany Regional Commission. The *Potential Greenway and Trail Routes* map displays rough approximations of routes that are being considered for the updated greenway plan. At the time of the planning process, these routes are still being studied, however should form the basis of analysis for the updated plans.

Since there are no publicly owned parcels of land within the residential area of Deyerle, south of Brandon Avenue, potential routes would have to be created in the existing rights-of-way alongside streets, on private property, or a combination of both. In the past, City staff has accomplished this in some areas where right-of-way is sufficient for on street connections. To use private property the City must acquire an access easement from the property owner or use existing public utility easements. The process of acquiring easements requires legal agreement with the property owner. Thus, private property owners are not obligated to grant the City an access easement.

While specific interest in greenway and trail routes has been expressed by some in the neighborhood, others added that any form of walking trail or pedestrian accommodations would be very helpful. All of the streets were designed for low levels of traffic. As previously discussed

in the infrastructure chapter, south of Brandon Avenue, curb and gutter are found on only a few streets, and there are virtually no sidewalks. The neighborhood's rural orientation is still evident in the design of the streets, as most have ditches alongside them. This further complicates making pedestrian improvements in the right-of-way. Design of any greenway or hiking trails will require thorough analysis by various City departments.

One of this plan's strategic initiatives is to provide pedestrian improvements in on-and off-street facilities, rather than solely in the rights-of-way of streets. This will require further planning by City staff and cooperation from private property owners, but will produce a needed recreation amenity at a lower overall fiscal and environmental cost.

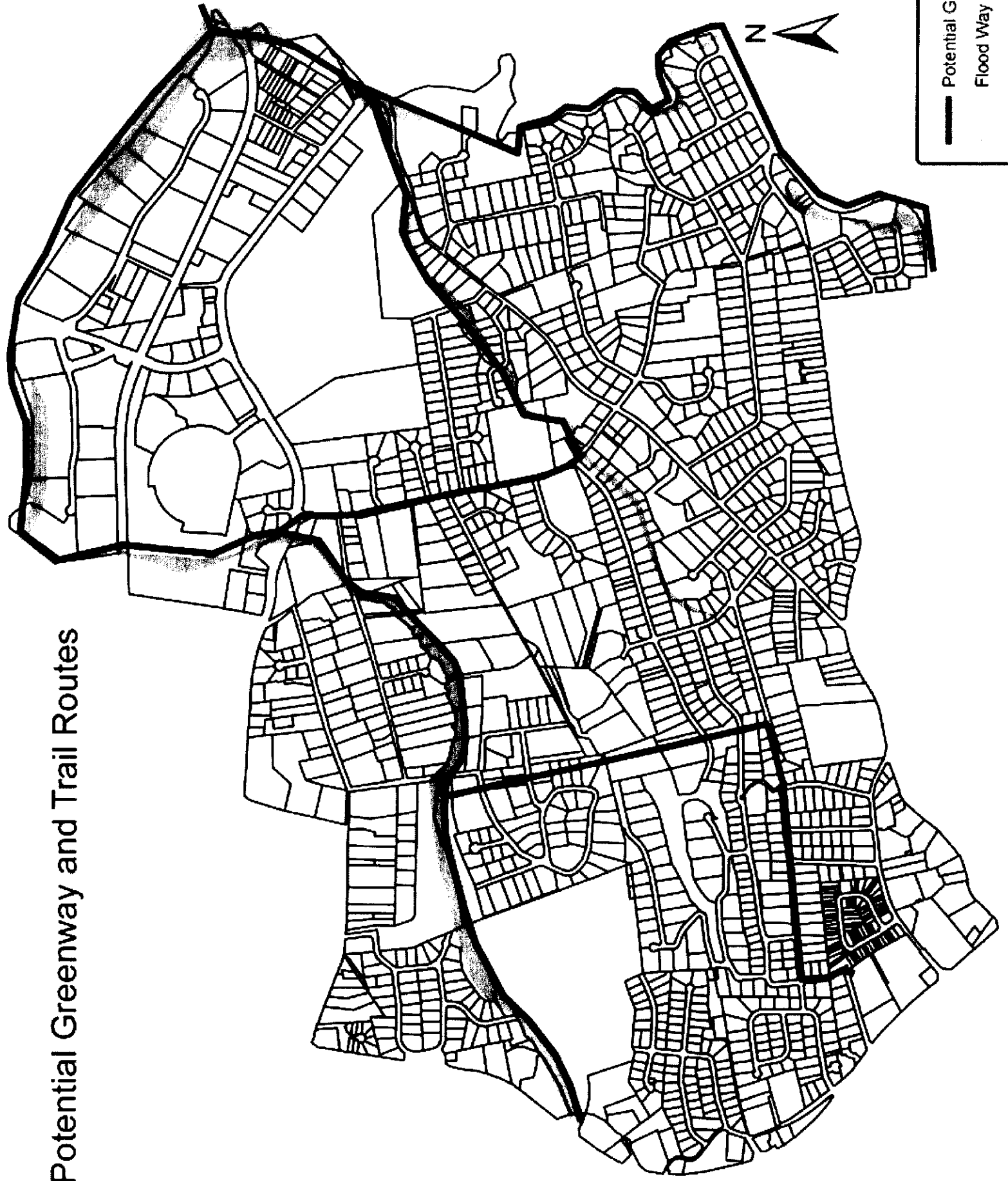
Quality of Life Policies

- **Parks and Recreation**: Neighborhood and area parks should provide excellent recreational facilities for residents
- **Greenways**: At least one greenway route in the update of the *Roanoke Valley Conceptual Greenway Plan* and the City's greenway plan should be recommended for Greater Deyerle.
- **Pedestrian Amenities**: Neighborhood residents should have safe pedestrian improvements.

Quality of Life Actions

- **Parks and Recreation**: Consider the development of a neighborhood park in Greater Deyerle.
- **Greenways**: Provide at least one greenway route in the update of the *Roanoke Valley Conceptual Greenway Plan* and the City's greenway plan.
- **Pedestrian Amenities**: Provide pedestrian improvements in on-and off-street facilities such as greenways or trails. If long continuous routes are not feasible, consider connecting a series of shorter routes.

Potential Greenway and Trail Routes



WHL
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending Vision 2001-2020, the City's Comprehensive Plan, to include the Greater Deyerle Neighborhood Plan, such plan containing six priority initiatives: zoning; residential development, including the development of housing clusters; transportation, including maintaining the residential character of the neighborhood streets; stormwater management; pedestrian amenities, including sidewalks, greenways or trails; and public park facilities; repealing the 1990 plan previously adopted for the Greater Deyerle Neighborhood; and dispensing with the second reading by title of this ordinance.

WHEREAS, on July 20, 2006, the Greater Deyerle Neighborhood Plan dated July 20, 2006 (the "Plan"), was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on that date and recommended adoption of the Plan and amendment of Vision 2001-2020, the City's Comprehensive Plan, to include such Plan, and repeal of the 1990 plan previously adopted by City Council for the Greater Deyerle Neighborhood; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, August 21, 2006, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. That this Council hereby approves the Greater Deyerle Neighborhood Plan dated July 20, 2006, and amends Vision 2001 - 2020, the City's Comprehensive Plan, to include the Greater Deyerle Neighborhood Plan dated July 20, 2006, as an element thereof, and repeals the 1990 plan previously adopted by City Council for the Greater Deyerle Neighborhood.

2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.

3. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

August 21, 2006

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Request for Lease of Civic
Center Annex CM06-00149

This is to request space on Council's regular agenda for a report on the
above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:jb

c: City Attorney
City Clerk
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the lease of 2,688 square feet of space located within City-owned property located in the Roanoke Civic Center Annex, for a term of five (5) years; authorizing the lease of an additional 2,459 square feet of space should such space become available; and dispensing with the second reading of this ordinance by title.

WHEREAS, a public hearing was held on August 21, 2006, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on the proposed lease.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in a form approved by the City Attorney, an agreement with WSET, Incorporated, for the lease of approximately 2,688 square feet of space located within City-owned property in the Roanoke Civic Center Annex, for a term of five (5) years, for an initial rent of \$36,000.00 for the first year of the term subject to a 3% annual increase for the remainder of the term, and authorizing the lease of an additional 2,459 square fee of space should such space become available, upon certain terms and conditions, and as more particularly described in the City Manager's letter to this Council dated August 21, 2006.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

PETITION FOR APPEAL

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): Marian M. Ali
2. Doing business as (if applicable): Positive Effect Therapeutic Massage
3. Street address of property which is the subject of this appeal:
431 Elm Ave SW Roanoke Va 24016
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: H-2
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: June 8, 2006
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): Section 36.1-345
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: to approve vinyl soffit for aluminum soffit. Project is near completion.
8. Grounds for appeal: Please see attached
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Lawrence C. Musgrove, Jr
P.O. Box 13487 Roanoke Va 24034
(540) 344-5583 or (540) 798 2672
Marian M Ali 431 Elm Ave SW Roanoke Va 24016
(540) 581-1183 or (540) 314-6881

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Mariam M. Ali

Name: Mariam M. Ali
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:

Name: _____
(print or type)

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by: Mary F. Parker Date: 07-07-06

Marian M. Ali : Petition For Appeal

8. Grounds for appeal: This property was deeded to me by my father, Lawrence C. Musgrove in December of 2005. I was anxious to improve the property and immediately started renovations. I ordered and paid for soffit March 9, 2006. March 21st, I received notice from the City of Roanoke to "contact Anne Beckett before beginning any exterior work in the H-2 District." In April, 2006 I contacted Anne Beckett as directed and explained that I wanted to replace the soffit on my house. Her reply was, "that is not a problem". She then went on to explain the benefits of taking the old soffit down and painting the wood underneath. We talked at great length about a variety of things, including replacing the gutters. NEVER was I instructed to come and fill out an application before continuing. Once our conversation was completed, I believed I could proceed with the project.

In May 2006, the workmen were replacing the soffit (almost completed) when they were abruptly told to stop because I was in violation of the Historic District codes. I was having aluminum soffit replaced with vinyl soffit. I was having one artificial substance replaced with another. Never was I told that this was not allowed.

My contention, is I did as I was instructed. I called Ms. Beckett. However, she failed to communicate to me what was required. Had I been told that I needed to fill out a form, I would have done so, and all of this could have been circumvented. I would have learned I was not to replace aluminum with vinyl. I could have returned the soffit and received a refund.

As it stands now, I have put \$2,400.00 in a project that I am unable to complete.

As a City employee and the "go to person" for information regarding what is appropriate in exterior renovations in Old Southwest, I was not informed and should not bear the expense of having someone come and tear out the existing replacement soffit to then replace it with aluminum soffit (which by the way is 2.5 times more costly than vinyl).

I am already working with the Architectural Review Board in bringing the 34 vinyl replacement windows I had installed up to their approval. I am to have exterior muntins placed (at .15 an inch plus labor) and remove the aluminum encasing the window sills and brick moulding. Of course all this exposed wood will have to be painted. This in itself is a costly venture.

As one board member told me, "your house is an eye sore." I don't disagree, but I am trying to improve the condition of the property. I have a business there. I currently live there. However, I have limited funds. Throwing away \$2,400.00 is unconscionable.



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

B. 1. (b)

August 21, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Jr., Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Council Member
Honorable Sherman Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Marion Ali Appeal of Architectural
Review Board Decision
431 Elm Avenue, S.W.

Background:

On July 7, 2006, Mrs. Marion M. Ali appealed the Architectural Review Board's June 8, 2006 decision to deny her request for vinyl material to be installed over the roof soffits of a structure located at 431 Elm Avenue, S.W. The house is two-stories, brick, with a hip roof and extended eaves. The soffits under the eaves are currently covered with a smooth surface aluminum.

On May 18, 2006, Mrs. Ali began replacement of the aluminum soffit material with vinyl soffit material of a different design. A stop work order was issued because no Certificate of Appropriateness had been issued. Mrs. Ali called Ms. Beckett, Agent of the Architectural Review Board, who met with her on site.

After meeting with Ms. Beckett on site, Mrs. Ali filed an application for a Certificate of Appropriateness for the vinyl soffit covering, which was considered by the Architectural Review Board (ARB) on June 8, 2006 (See Minutes: Attachment A). Currently, the soffit work is less than half complete. Some of the original wood soffit is now exposed and appears to be in good condition. (See Photographs: Attachment B).

At the same June 8, 2006 ARB meeting, (under Old Business) Ms. Ali requested approval of her existing window replacements. She had replaced all the double-hung wood windows on the house with double-hung vinyl windows without a Certificate of Appropriateness. With suggestion made by Ms. Beckett at the Board meeting, a motion was made to approve the new windows with

modifications. The motion to approve the application with modifications passed by a 5-0 vote (Ms. Katz and Mr. Stephenson absent).

The ARB discussed the project at length, and members of the ARB commented that they were not supportive of the addition of the vinyl soffit. Board members suggested that she either remove all the material and repair and retain the original wood soffits or retain the existing aluminum soffit material. The motion to approve the application failed by a 0-5 vote (Ms. Katz and Mr. Stephenson absent). Ms. Ali was formally notified of the denial and of her right to appeal to City Council by letter dated June 9, 2006. Mrs. Ali filed an appeal of the Architectural Review Board's decision on July 7, 2006 (Attachment C).

Considerations:

The H-2 Architectural Design Guidelines state that the application of synthetic siding is inappropriate because it can trap moisture and hide damage that needs to be repaired. It is applicable only in the most severe cases where the Board finds it necessary to save a building.

Staff could not identify any recent applications to the ARB for vinyl soffits or any previous appeals to City Council related to the denial of a request for only vinyl soffits. Since December, 2003, the Board has not approved any request for synthetic siding material including soffits. Since June, 2003, three ARB denials for synthetic siding were appealed to City Council, which upheld the ARB's decisions.

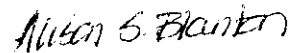
Besides the issue of using synthetic cover-up materials, the proposed vinyl soffit material has a design which is not compatible with designs commonly found in the historic district. The proposed soffit material has a design with ridges that run perpendicular to the façade of the structure. Typically in the historic district, a material such as bead-board would be applied to soffits with the beads oriented to run parallel to the face of the structure, or the material would have a smooth surface. The ARB encourages that any covering over of soffits be done with either a bead-board or smooth-textured material to promote architectural compatibility.

Ms. Ali states as grounds in her Petition for Appeal that Ms. Beckett indicated to her that she could proceed with the work to replace the soffits without making an application. It is the ARB's observation and experience that staff consistently requires a formal application process for all work performed in the historic district which requires a COA. All exterior projects require written approval whether on a "Repair/Replace" form or on a staff level or ARB level COA. Regardless, we believe any decision made on appeal should be limited to the question of whether or not the replacement material is compatible with the historic district.

Recommendation:

The Architectural Review Board recommends that City Council affirm its decision to deny the issuance of a Certificate of Appropriateness.

Sincerely,

A handwritten signature in black ink that reads "Alison S. Blanton". The signature is written in a cursive, slightly slanted style.

Alison S. Blanton, Vice-Chair
Architectural Review Board

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
R. Brian Townsend, Director, Planning Building and Development
Anne S. Beckett, Agent, Architectural Review Board
Lora Katz, Chair, Architectural Review Board
Marian Ali

**City of Roanoke Architectural Review Board
June 8, 2006**

Minutes

The regular meeting of the Board was held on Thursday, June 8, 2006. The meeting was called to order at 4 p.m. by Alison Blanton, Vice Chairman. Ms. Blanton read the rules of procedure and attendance was as follows:

Members Present: Alison Blanton
Barbara Botkin
Don Harwood
Robert Richert
James Schlueter

Members Absent: Lora Katz
Jon Stephenson

The following items were considered:

1. Approval of May 11, 2006, Minutes.

Mr. Richert noted the following: Page 14, paragraph 1, line 5, muster instead of mustard. Page 15, paragraph in the center, 2nd line, external instead of exergual. Page 17, 10th line from the bottom, charter instead of chard. Mr. Schlueter made a motion to approve the minutes as amended. Mr. Harwood seconded the motion. The minutes were approved as amended.

2. Request from Darrell and Bonnie Clark for a Certificate of Appropriateness approving front porch and sidewalk replacement at 429 Washington Avenue, S.W.

Mr. Clark appeared before the Board and said he appreciated the Board continuing the matter. He said that he would like to do his sidewalk, two side walls and columns in brick. He said that he understood that he could not do his steps in brick.

Mr. Richert asked Mr. Clark if he planned to use concrete caps on the columns.

Mr. Clark said that he would like to use brick caps.

Mr. Schlueter asked Mr. Clark if he would be using a facing brick on the piers.

Mr. Clark said that he would. He said that the piers were currently painted.

Mr. Harwood asked if he understood that Mr. Clark was going to apply a veneer brick and not replace the brick.

Mr. Clark said that was correct.

Mr. Harwood said that given the height of the porch, he did not see a problem. He said that he did have a problem with the concrete walk, which he felt should remain concrete. He said the side walls would have probably been brick and the steps would probably have started out as wood. He asked if a thin veneer would be done on the side walls.

Mr. Clark said he did not plan to do that.

Mr. Harwood asked if a railing was proposed.

Mr. Clark said that he would like to have a black metal railing.

Mr. Harwood asked if that was part of the proposal.

Mr. Clark said it was and he would like to have it on both sides.

Ms. Blanton asked Ms. Beckett for staff comments.

Ms. Beckett said that she was not sure what Mr. Clark was requesting. She said that she had not seen the details.

Mr. Schlueter said he would like to see a sample of the brick.

There was further discussion about what Mr. Clark was requesting.

Ms. Beckett said that she would not vote for approval on the brick sidewalk, which she felt should remain concrete. She said that she was not sure about brick piers and questioned whether the Board was discussing the brick porch piers.

Ms. Blanton asked for audience comment.

Mr. Mark Kary (813 5th Street, S.W.) appeared before the Board and said that the Board should approve the request because it was not a structural change to the house itself. He said that when creation of the historic district had been discussed in 1985-86, the type of items that Mr. Clark was requesting had been

discussed and it had been agreed that those types of things should be left up to the homeowner.

Mr. Harwood said that the Board was charged with preserving the character of the fabric of the historic district. He said that he felt that removing a concrete walk that had been there for a long time and because concrete was a predominant material, the Board had to be careful in their review of these types of requests.

Dave Tate (510 Highland Avenue, S.W.) appeared before the Board and said that half the sidewalks in Old Southwest were made of brick. He said that the Board should probably concentrate their efforts on things that were a little more helpful to the people in Old Southwest.

Mr. Richert said that that he was not comfortable with creating an application from the dais. He said that the Board did not have enough specific information in print. He said that the rebuilding of the side walls in brick with concrete caps would be acceptable to him. He said he thought the veneering of the piers would be a mismatch. He also noted that while many of the pedestrian sidewalks in the neighborhood were brick, most of the sidewalks that went from the house to the street were concrete. He said he could not support the application as he understood it.

Mr. Harwood said that he thought brick sidewalks were a fine line. He said that the Board recognized the need to prevent insensitive replacement of existing historic material. He said he was okay with the veneer on the brick piers. He said that he was not okay with brick caps on top of the wing walls. He said that he felt having a brick sidewalk removed part of the fabric and was a personal choice, not a maintenance issue.

Board members discussed their role in using the design guidelines in making decisions in the historic districts

Ms. Blanton said she felt very strongly about keeping the concrete steps and sidewalk. She said she could go with the brick side walls but only with concrete caps. She said that she wanted to make sure the suggestion on the brick piers was carefully thought through.

Mr. Clark said that he did not understand how anyone could say that brick was not historic material. He said that he had worked with brick for years and it was historic. He said that he and other neighbors wanted to use brick to increase the

value of their home. He said that he wanted brick steps and brick sidewalk and said he did not understand what difference it made. He said that if he needed to come back with a more complete application, he would do that.

Mr. Richert suggested that the Board take Mr. Clark up on his offer to continue the matter. He said that clarification was needed on the pier, and how the band board, porch floor and overhang related. He made a motion to continue the matter.

Ms. Beckett said that if the Board was going to continue the application, Mr. Clark needed to come back with a request for approval of a window that he had changed without Board approval.

The motion was seconded by Mr. Harwood and approved 5-0.

3. Request from Marian Ali for a Certificate of Appropriateness approving existing replacement windows at 431 Elm Avenue, S.W.

Ms. Ali appeared before the Board along with a gentleman she said had done the work on her windows. She said that last month the muntins had been an issue and she presented a photograph taken from the inside which showed the seals. Ms. Ali said that she now planned to install the muntins on the outside.

Ms. Blanton asked Ms. Ali if she had any of the original upper sashes with the muntins.

Ms. Ali responded that she did not. She said that she had given the Board a photo.

Ms. Blanton asked Ms. Ali if she had taken any measurements of the original sash frame vs. the new ones.

Ms. Ali's unidentified contractor said that the measurement was the same.

Mr. Harwood said that he had looked at the new windows and contrary to one of the issues they did have a flatter face profile which was more reminiscent of the original sashes. He said that he was encouraged that Ms. Ali was able to come up with the muntin bar. He said he thought it was a much closer solution than what had come to the Board previously.

Ms. Beckett said that she agreed with Mr. Harwood to a point, but was curious as

to whether the Board was going to address the trim that had been covered. She asked that it be removed.

Ms. Blanton asked for comments.

Mr. Richert said that it is always difficult for the Board when someone comes in after the work has been completed and then asks the Board for a stamp of approval. He said that it was his observation that the original sashes were somewhat narrower. He said that he agreed that the muntins provided a shadow line. He said he was not comfortable with the application and the window would not have traditionally been approved as presented if it had been brought to the Board ahead of time. Mr. Richert further stated that there were appropriate windows that could be replaced and if the Board did not maintain the same kind of criteria for every structure in the neighborhood then they were doing a disservice to the property owners who came to the Board in advance of doing work. He said he would not be able to support the application as presented.

Ms. Blanton said that there was a layer of trim, a brick molding that gives a different look. She asked if there was a way to remove the trim from the brick molding?

The unidentified gentleman with Ms. Ali said that he could fabricate the metal with a brick molding effect.

Ms. Blanton said the Board would like it removed.

The unidentified gentleman said he could remove it and leave the original brick molding in place.

Mr. Harwood strongly suggested that the applicant consider allowing the original brick molding to be exposed. He said he would accept the application of the window with the applied muntin bar and removal of the aluminum coil stock and painting.

Mr. Schlueter said that he agreed with Mr. Harwood.

Ms. Blanton asked Ms. Ali if she was comfortable with removing all of the aluminum coil wrap and installing the exterior, raised muntin as presented today.

Ms. Ali said she would.

Mr. Harwood moved to accept the application as presented with the exception that the exterior muntin bar would be applied to the exterior face of the window, removal of the aluminum coil stock off of all the brick molding and window sills. The motion was seconded by Mr. Schlueter and approved by a roll call vote of 4-1 as follows:

Ms. Botkin - yes

Mr. Harwood - yes

Mr. Richert - no

Mr. Schlueter - yes

Ms. Blanton - yes

4. Request from Marian Ali for a Certificate of Appropriateness approving existing vinyl soffit replacements at 431 Elm Avenue, S.W.

BEGINNING OF TRANSCRIPT

Ms. Ali stated she had received the card on March 20, 2006. She already ordered the soffit, in fact, it was laying in her back yard. She called and spoke with Ms. Beckett and she explained what she wanted to do and talked about the gutters and the soffit. It was a lengthy conversation. When she got off the phone, she thought she was good to go. It was May 16, 2006, she was stopped, they started May 14th getting it installed. She didn't understand why she was being stopped. She thought they were good to go. She showed an example of the soffit that was there currently and also showed an example of what they were installing. She stated had she understood that she needed to come and fill out something. She thinks all of that could have been circumvented, but nothing was ever said about coming down and filling out an application. She thought she was good to go. If she wasn't, she could have very easily sent the soffit back and gotten her money back. That is not what happened. So they are halfway through the project and were told to stop. She thinks it truly was a miscommunication but all the form said was to call Ms. Beckett, which she did. Evidentially, they did not communicate together very well. The soffit was halfway up and she had pictures to show about what is existing and what remains to be done. She just asked that she finish what she started.

Ms. Blanton thanked her for following the instructions on the card. She asked for comments from the Board or questions.

Mr. Harwood asked to see what they had taken off. He asked if that was a continuous piece. He asked if there was a joint from the outside edge back to the

body of the house.

Ms. Ali stated no, evidentially they took aluminum siding left over and put it up. Nothing was ever said about design, in fact, she talked at length about those. She was getting ready to order her gutters and fortunately she was stopped because she was getting ready to order the wrong thing.

Ms. Botkin asked if it was aluminum on the face of the house or wood. The part that was covered with the new soffit.

Ms. Ali stated it was aluminum.

Mr. Harwood asked if to the right was the new.

Ms. Ali stated yes. She did not have real good pictures, it was raining that day.

Mr. Harwood asked what the condition of the wood fascia was, which is the vertical part or leading part and wood soffit, which is the horizontal part underneath.

Mr. Talevi asked that they address the board from the podium.

Ms. Blanton stated that they had been looking at photographs that show the condition of the soffit prior to the replacement. She asked to hear the staff report and they would go back to comments.

Ms. Beckett stated that she was glad Ms. Ali used the card, she wished she had used it for the windows, it would have been helpful. She agreed that it was a miscommunication, because she never would have approved the vinyl and she could not approve it now. She thinks the wood appears to be in good condition. She would even approve putting aluminum soffit up but she could not approve the vinyl. We don't allow vinyl in some of the most severe conditions, she doesn't know what happened during that phone call, she recalls the phone call but does not recall what she told her about the vinyl soffit. She still recommends denial.

Mr. Schlueter asked if a letter went out when something was approved for people, did they normally send them some sort of confirmation if they do approve something administratively.

Ms. Beckett stated they still have to fill out a form, they still have to get a

Certificate of Appropriateness. Somehow, that was mis-communicated, everything she does is on a form.

Mr. Schlueter asked if the process, as she has it set up, requires them to fill out a form and send a letter, so everything is documented.

Ms. Beckett stated yes.

Ms. Blanton asked for the audience comment on the application.

Jim Thompson appeared before the board and stated he was not in favor of vinyl siding by any means, but what she was doing is probably the better way to go for several reasons. One, the house had probably been altered years ago and number two, he thinks it looked far superior than what is up there. That is the wood section and since the soffits are a difficult area to deal with, he didn't think it would be that big of a deal to approve it.

Mark Kary appeared before the Board and stated that he concurred with Jim. It was one of those situations where they have a lot of houses in that neighborhood that have been in a serious case of deferred maintenance. Although, he was not a fan of vinyl siding, he doesn't have a stick of it on his property, he thinks that is a situation where vinyl siding actually enhances it. In wrapping with the vinyl, at least it is protected. If some owner further down the line, with a deeper pocket, wishes to bring it back to a restored state, it is still possible to do so, it is a severely remodeling task. He thinks when there are misunderstandings, quite often, it is the homeowner that takes the hit. He couldn't help thinking while she was going through all the window gymnastics, what it was going to cost her.

Ms. Blanton asked the Board for anymore comments.

Mr. Richert stated if he understood what was happening there, the vinyl material was being applied perpendicular to the building and even when the Board considered soffit cladding years ago, they always required that the vinyl be applied parallel to the building because it at least gave the impression that it was the kind of narrow board, wood, tongue and groove board typically applied to those soffits. That makes the appearance significantly inconsistent with the historic context of the building and its neighbors. Currently, he was of the opinion, it was possible to replace soffit material with wood that is almost identical in appearance to the historically accurate materials and it was being done elsewhere in the neighborhood. The thing that is difficult about cladding material of any kind, is it will mask problems that develop if there are no

problems now. He couldn't tell from any of the photographs that he has seen, what the condition of the existing soffit original material is, whether there were gaps in it, holes, whatever. He doesn't know what that is, so he would have to assume that it was there and that the aluminum was attached to it and that's what she is attaching the vinyl too. Based on the current application, he could not support the petition because it would really alter the contribution that the house could and should make to the streetscape, so lacking any other information, that is where his position would be.

Mr. Harwood agreed with Mr. Richert, he thinks back when they were going through the transition of whether vinyl or aluminum was an acceptable synthetic material, he believes on several occasions they had noted to the applicant that, if in fact the roof leaking problems were gone and guttering leaking or overflow situations were gone, the things that tend to make a fascia and soffit material deteriorate, they strongly encouraged the homeowner to go ahead and put back in or replace any damaged or deteriorated wood either on the soffit or fascia. He thinks the applicant, though they have been off to two false starts, is actually wanting to do the right thing. He doesn't have a crystal ball, but his guess is that eventually the front porch will look like it used to look like way back when. He thinks that is where she wants to go. With that thought in mind, he would really encourage her to take a look at going on and having the fascia and soffit material, the wood components repaired, since she has already started the removal of the aluminum and put it back the way it was because it is going to be a handsome house. He thinks ultimately, when everything is done, that is going to be the weak link in the chain. He absolutely could not approve of a vinyl or aluminum wrap on such a predominate material. Of the issues that they have discussed today, it was so very obvious what has been put up there and he would strongly encourage her to amend her application to go back with repair in preparation of the existing wood fascia and soffit.

Mr. Schlueter agreed with both of those speakers also. That material has no place where it is being used. He doesn't know what the condition of the wood is underneath but from what he can see and has seen, she could probably work with it. He doesn't think it would cost her anymore than what that is costing her. It may not be quite as quick, not quite as easy, but he thinks, as Mr. Harwood said, the end result would be much better and it is a very prominent feature of her home. He thinks if she is going to do anything right, anywhere, that is a good place to start.

Ms. Blanton asked if there were anymore comments and then asked that the applicant come forward.

Ms. Ali stated that her argument would be that she did what she was told, she contacted and was not given the information that she needed. She had no problems with going down to the bare wood and painting it. They had talked about that, Ms. Beckett had mentioned that, but the cost that it was going to take and what it was going to involve, she decided to go with the vinyl soffit because she thought she could. It laid in her back yard for almost two months before she even got there. If it had been conveyed to her that she needed to come and fill out a form, she would have done it but there wasn't any. How was she supposed to know what to do when it is not conveyed to her, when she is not told. Maybe \$2,400 is not a lot to them, it was a lot for her. She had already spent it, the soffit was already cut and is laying there stacked up. If they want to go back to the bare wood, but that is money that she is losing, and she does not have it to go back and start all over again. She did what she was told, did exactly what she was told. She doesn't think she should have to pay the price for that miscommunication, she does not think it was deliberate, there was no ill intent. She became the homeowner in 2005, she got the card on March 20th. Her windows were in by February 23, 2006. When she got the card, she called. She doesn't think she should have to bear the burden for that and as far as changing back to the porch, that would be great but that is where her office is and where she does business. She doesn't think that is going to happen soon. She did live at 445 Elm for a while and the front porch was great, but if you are talking about architectural changes, look at what has happened to 445 Elm, they have this ramp. A metal wheelchair ramp sticking out of the front of the house, pretty predominant, pretty noticeable compared to her soffit. That was a big change, a structural change. They had to knock out the porch and put in metal railings and pour concrete, that was a huge change.

Ms. Blanton stated that they had reviewed that very carefully and worked very closely with them to come up with that design.

Ms. Ali stated that was fine but she is saying they are talking about making big changes, her soffit compared to 445.

Ms. Blanton stated they had to look at each element of the building.

Ms. Ali stated she understood but does not think it was right for her to bear the burden of something that she tried to follow, she called.

Ms. Blanton asked Ms. Ali, beyond calling was she ever referred to the guidelines themselves or aware that they are accessible.

Ms. Ali stated she went by what it said on the card, it did say you could review the design guidelines, according to the card. She called Ms. Beckett and told her exactly what she was going to do and somewhere something didn't get communicated and when she hung up she thought great, they were good to go. They were in no hurry, it was May 14th before they even got started. The soffit had been paid for March 9, 2006.

Mr. Richert stated that it was not that they were unsympathetic to the fact that she may have had a miscommunication with the City. There has been more than one citizen that has had that problem, in fact, it is not uncommon to go from one door to another and get a different answer and there are individuals who will wander around City Hall until they find somebody who gives them the answer they want, so it does happen. It is important that you understand that the Board is not here to make those things right, they are here to do a very specific thing that is required by the Code and to evaluate change in advance and to help applicants arrive at solutions that meet their needs. Miscommunication would become an epidemic if it were allowed to be an excuse because a lot of times people do hear one thing, get an application do one thing, do something else. It is not that we're unsympathetic, it is just that the end result of what they do there, is expected to last many, many years and they have to constantly be mindful of the fact that when they do something that is inconsistent with the pattern they have established over time, then they will hear multiple applicants over a lot of years, point to the inconsistency and want to do exactly the same thing. They simply can't get in a position where they allow something that is inappropriate to be done because of mitigating circumstances that could include cost, investments, or miscommunication. They are sympathetic but that is really where they are on the application of their duties.

Ms. Ali stated that it was synthetic material.

Mr. Richert stated that it was put up many years before there was a historic district and could have remained.

Ms. Ali stated that what she had could not look any worse than that.

Mr. Richert stated that it did and said he was sorry.

Mr. Harwood stated that once she goes to change, they are in a position, they can't walk around to everybody's house and say "you have to take your vinyl siding off, we don't care when you put it on there" but if you come before us and

ask to put it on there, then they need to judge that based on whether they think that is an appropriate material. He agrees with Mr. Richert that it was a tough position for her and he thinks from their point, they can only judge the merit of the proposal, the extenuating circumstances behind that. They can not judge based on that being on the table, that is for a Board higher than ours.

Ms. Blanton stated that it very clearly states in their guidelines how they do expect the soffits to be handled and the application as proposed does not meet the guidelines, that is the position that they are in now.

Ms. Ali stated that she understood their position but her position was that if Ms. Beckett is the point person and she goes to her for guidance, clarification and conversation about what she is planning to do and she doesn't get what she needs, because there she is, then she doesn't see where that would be right for her to bear the burden, the financial burden of that.

Ms. Blanton stated again, they were sorry for that, it was a very unusual circumstance. In her ten years on the Board, she has never had a situation like that before. Ms. Beckett had always done a great job for them. All she can say is that the people that complain about all the paperwork that is required, that is one of the reasons it is required so that they don't end up in those kinds of situations.

Ms. Ali agreed but stated she needed to know that and it was not conveyed at all. That's what gets her, how is she supposed to know if it's not told to me. If I go to your point person and that is not conveyed to her, then how is she supposed to know.

Ms. Blanton stated that it was no consolation to her but she imagines that everybody on staff will be very careful from now on to make sure that things are explicitly communicated and even taking an extra step on coming in and putting that down in writing. They appreciate her responding to the card and trying to do the right thing and most of all they appreciate the investment she is making in the house, the district. At that point, she asked Ms. Ali if she wanted the Board to vote on the proposal as submitted.

Ms. Ali stated yes.

Ms. Blanton asked the board if she could have a motion and it was stated that the motion was already on the floor.

Ms. Blanton asked Mrs. Franklin to poll the board and the request was denied 5-0, as follows:

Ms. Botkin - no
Mr. Harwood - no
Mr. Richert - no
Mr. Schlueter - no
Ms. Blanton - no

END OF TRANSCRIPT

5. Request from Heather Bathon and Rosemary Stavale for a Certificate of Appropriateness approving existing sidewalk and porch step replacements at 501 Washington Avenue, S.W.

Ms. Bathon appeared before the Board and said that she had lived at 501 Washington Avenue, S.W., for 22 years. She asked that the Board grant her a Certificate of Appropriateness for the sidewalk and steps that she replaced six months ago. She also said that Mr. Richert should not participate because he and his wife had ridden by her property and waved at the time the sidewalk and steps were being installed and had not stopped to tell her a Certificate was needed. Ms. Bathon said that she had letters from her neighbors who were not able to attend, but were in support of her request. She also asked that a letter from Kevin Earl, president of Old Southwest, Inc., be read into the record.

Ms. Bathon was informed that all members of the Board had copies of Mr. Earl's letter.

Ms. Bathon said that she disagreed with two statements in the staff report. She said that her house was not sitting on a painted brick foundation and that she had not used thin pavers, as written in the staff report. Ms. Bathon presented various size pavers and pointed out the thicker paver that she had used. Ms. Bathon also stated that the concrete walk and steps were very slippery when wet and people had fallen.

Ms. Botkin asked Ms. Bathon if she had done the pavers herself. She said that she did not care for the gray mortar joints. She also said that the rise on the top step would probably be brought up by other Board members. She said that she thought it was an enhancement to the house.

Ms. Bathon responded she had not done the pavers, but that a brick mason had

done them. She further stated that she had not yet pressure washed the sidewalk and steps with an acid solution in order to clear the mortar joints.

Mr. Richert said that the difficulty the Board had was the after-the-fact precedent. He said that the Board could be in danger of making decisions for one applicant over another. He said there was a problem laying brick over something that is already there. He also said that the front lip on the brick should be a bull nose brick. He said that he understood the aesthetic attractiveness of brick sidewalks.

Ms. Beckett gave the staff report and said that the applicant should have asked before doing any work. She said she understood that Ms. Bathon was trying to do the right thing, but the steps were totally inappropriate. She said she would recommend concrete for the steps and possibly allow the sidewalk to remain brick.

Ms. Blanton asked for audience comment.

Mr. Mark Kary appeared before the Board and noted he had invested in OSW since 1982. He discussed various problems in OSW. He also said that there were substantial amounts of brick in OSW. He said that Ms. Bathon has always set a high standard for home maintenance in the area and was always aesthetically and historically sensitive when doing work. Mr. Kary said that brick existed as historic throughout the neighborhood and the application should not be denied.

Mr. Jim Thompson (no address given) said he thought the brick looked fantastic and should be allowed.

Joy Taylor (441 Washington Avenue) appeared before the Board and stated that she hoped the Board would approve the request because it looked fabulous. She said that painted concrete was very dangerous.

Mr. Harwood said that although the Board was a steward of the neighborhood, it was also overseeing a working historic district. He said there had been a lot of public comment on brick sidewalks and steps and bricks were not synthetic materials. He said that what Ms. Bathon had done looked okay and he felt it was a personal choice. He said that the Board might need to define some parameters where a change in material might be appropriate. He said he felt that in this case the use of this material was done sympathetically and he would probably vote in favor.

Mr. Richert said that it was sometimes difficult to be the most conservative member of the Board. He said that the board had made a distinction in their discussion about public and private sidewalks. He said that the issue at hand was a private sidewalk. He said that his position had not changed. He also said he had heard a need for personalization and took that very seriously.

Ms. Blanton said she was a little torn. She said that brick was a historic material. She said that perhaps the brick sidewalk was appropriate but the steps were part of the house. She then asked Ms. Bathon if she had applied the brick pavers on top of the existing concrete step.

Ms. Bathon said that was correct. She said that the mason has scored the concrete in order to get good adherence.

Ms. Blanton asked for a roll call vote on the application as submitted. The request was approved 4-1, as follows:

Ms. Botkin - yes
Mr. Harwood - yes
Mr. Richert - no
Mr. Schlueter - yes
Ms. Blanton - yes

6. Request from Gary and Melinda Kantor for a Certificate of Appropriateness approving proposed sidewalk and driveway replacements at 406 Walnut Avenue, S.W.

Mrs. Kantor appeared before the Board and said that she wanted to do some exterior improvements to her property. She said that the existing brick sidewalk needed to be re-laid. She said she would also like to fix the driveway because the area outside of the two concrete strips was very messy when it rained. She said that she had talked with a gentleman who had done quite a bit of work in Salem and used brick made of concrete pavers. She said she was open to the Board's suggestions.

Mr. Harwood said that the brick sidewalk leading to the house was a maintenance issue.

Mr. Schlueter asked Mrs. Kantor if she wanted to widen the driveway.

Ms. Kantor said that she would like to make the area between the sidewalk and

the driveway wider.

Mr. Harwood said that the concrete paving strips were very unique.

Mr. Richert said he would have to know the dimensions that Mrs. Kantor was considering. He said he understood the front sidewalk situation and did not have a problem taking up the front walk and putting back concrete pavers that looked like brick. He said that the flagstone between the house and the driveway made a lot of sense because paving right up to a building could lead to a water problem. He said he would not be comfortable with widening or filling the driveway and would be very reluctant to fill it with pavers.

Mrs. Kantor said that it would help if she could fill in from the porch back.

The Board and Mrs. Kantor discussed where cars were parked in the driveway and the possibility of filling in an area of the driveway from the house back to the end of the driveway.

Ms. Beckett gave the staff report and said that she appreciated Mrs. Kantor's willingness to work with her and the Board. She said the brick pavers that Mrs. Kantor was proposing were appropriate for sidewalk replacement. She noted, however, that she was adamant that the concrete strips in the driveway be kept. She suggested that possibly a border of pavers on either side of the strips could be added to widen.

Ms. Blanton asked for further comments.

Mr. Richert said that he thought the Board could work with Mrs. Kantor, but did not need to design the project.

Mr. Harwood said that the concrete strips definitely needed to be preserved. He said he would be more inclined to have infill past the front of the house instead of having field stone between the strips.

Ms. Blanton asked Ms. Kantor if she was willing to continue the matter and consult with Ms. Becket and another Board member on possible solutions. Ms. Blanton mentioned that the issue of repairing the sidewalk was maintenance.

Ms. Kantor said that she was in no hurry and could wait until September.

Mr. Harwood then made a motion to repair the brick sidewalk and allowing an

increase in the width of up to 50% of the connector sidewalk over to the driveway. The motion was seconded by Ms. Botkin and approved by a roll call vote of 5-0, as follows:

Ms. Botkin - yes
Mr. Harwood - yes
Mr. Richert - yes
Mr. Schlueter - yes
Ms. Blanton - yes

7. Request from Billy L. Cunningham, Sr., represented by Merrill Noreen, for a Certificate of Appropriateness approving proposed handicap ramp at 1205 Wasena Terrace, S.W.

Mrs. Lora Cunningham and Mr. Noreen appeared before the Board. Mrs. Cunningham said that her husband was handicapped and needed a ramp for access into and out of the house.

Mr. Harwood questioned the 2x4 top handrail.

Mr. Noreen said that it was a metal handrail, 2" in diameter.

Mr. Harwood questioned whether there were pickets and what type of cap would be used.

Mr. Noreen said that he had removed the pickets. He said that he could use a metal cap.

Ms. Botkin said that the ramp would cover a portion of the front step.

Mr. Noreen said that it would be covered with a landing.

Mr. Richert asked if ADA minimums were being applied.

Mr. Noreen said they were.

Mr. Richert, other Board members, and the applicant discussed the topography and Mr. Richert questioned whether Mr. Noreen had looked at locating the ramp on the other side because of the topography. Mr. Richert said he was trying to find a way to minimize construction.

Ms. Blanton asked for comments or questions.

Ms. Beckett said that she had worked with Mr. Noreen on the application and also had a building inspector look at this from the Code perspective. She said the plans met the Code.

Mrs. Cunningham said she had seen the design and agreed with it.

There being no further discussion, a roll call vote was taken and the request was approved by a roll call vote of 5-0, as follows:

Ms. Botkin - yes
Mr. Harwood - yes
Mr. Richert - yes
Mr. Schlueter - yes
Ms. Blanton - yes

8. Request from Parsell and Zeigler General Contractors, represented by LeRoy P. Whorley, for a Certificate of Appropriateness approving demolition of retaining wall at 380 Mountain Avenue, S.W.

Ms. Blanton stated that this item was withdrawn.

9. Request from Sherwin Jacobs, represented by Krista Vannoy, for a Certificate of Appropriateness approving existing second floor awnings at 305-309 Market Street, S.E.

Ms. Blanton stated that the item was continued to next month.

- 10 Request from Wayne Faddis, President of VACO, represented by Hill Studio, for a Certificate of Appropriateness approving new construction at 308-310 Market Street, S.E.

Ms. Blanton and Mr. Harwood recused themselves from the discussion and the vote on the request because they are employed by Hill Studio who is representing the applicant.

Ms. Botkin was elected temporary chairman.

Mr. Todd Setliff from Hill Studio and Wayne Faddis, the applicant, were in attendance. Mr. Setliff said that he had prepared a new proposal for the Board's

consideration which consisted of new construction on the lot between Sam's and the former Carlos restaurant. He said the proposal was to infill the lot with a three floor building of brick veneer. He said that he would like the three story construction approved as shown, and depending on financing and Codes, they might only construct two floors. He presented a rendering for the two floor construction. He said that he had taken the Board's previous recommendation to move the building back six feet. He said that materials and colors had not been chosen and he would have to come back later with that information.

Ms. Beckett said that recommendation for moving the addition back 6' was on a separate tax parcel, not on the one before the Board today.

There was much discussion among Board members and the applicant about the specifics of the request and it was noted that the Board did not have enough information to take action upon the request.

Mr. Schlueter said that the elevation called for a brick sill, however the rendering showed a pre-cast sill. Mr. Setliff said he would like a pre-cast sill.

Mr. Richert said he was curious about the cap in the middle of the third floor. Mr. Setliff said it was something that would break up the rhythm.

Mr. Richert asked if the first floor was intended for retail. Mr. Setliff said it was.

Mr. Richert said there were a lot of details and he suggested the applicant return with more specifics. He said he needed to know the details of the cross section of the decorative band.

Ms. Beckett said that she had not had an opportunity to thoroughly review the application and thought the Board needed more time. She said that she would like to see a comparison provided for this and the adjacent building.

Ms. Botkin asked for audience comment.

Mr. Tom Anderton (306 Market Street, Sam's) appeared before the Board and commended Mr. Faddis on what he had done in the Market area. He said he had some concerns and would like to see the front elevation that shows the new building in relationship to his building (Sam's). He said there was an inset on the side of Sam's to allow light into four offices and if the new building was constructed as shown, then his office would get no light. He asked Mr. Faddis if he would consider an inset.

Mr. Faddis said he was not for that because an inset would pose a maintenance issue.

Mr. Anderton asked if the applicant could provide an elevation which showed the Sam's building. He requested the Board ask for a better drawing. He said he would also like to see the material. Mr. Anderton said that he had a substantial investment in the Market area.

Mr. Faddis said he was maintaining the lines of the existing building on the two stories.

Ms. Botkin said that the design seemed to be very good, but the Board needed to see the materials, color and more details. She said it would seem to be a good idea to move this item to next month so that everyone could have time to review the plans.

Mr. Richert noted the following additional information that the Board would like to see: (1) a close up of the front view and cross section of the cornice; (2) detail on the windows and trim; (3) detail on the decorative elements (above and below the windows on the first floor); (4) cross section of the building so the Board could see the profile down the street; (5) streetscape that includes the buildings on the north and south sides; and (6) if only a 2 story option is being considered, then the Board needs no plans that show a 3 story option. He said that the Market area was very important to the Board and they wanted to make sure it was done right.

Mr. Schlueter said he thought the concept was excellent, but more details were needed for a project of this type. He said he thought the storefront, entryway, the rhythm and fenestrations were all nice.

Ms. Beckett asked if Mr. Faddis was planning to add a third floor to his existing building.

Mr. Setliff said that if the 2 story option was approved, then they would not be requesting a 3rd story addition to the adjacent building.


Mr. Richert said that with the applicant's agreement, he would move to continue the matter until next month. The motion was seconded by Mr. Schlueter and approved 3-0.

11. Other Discussion:

Mr. Talevi spoke briefly about House Bill 1554 passed by the Legislature, effective July, 2006. He noted that the bill provides that disclosure and disclaimer forms required under the VA Residential Property Disclosure Act contain a notice to purchasers that the property is located in a historic district, if the owner has knowledge of such designation.

There being no further business to come before the Board, the meeting adjourned at 6:59 p.m.

Respectfully submitted:

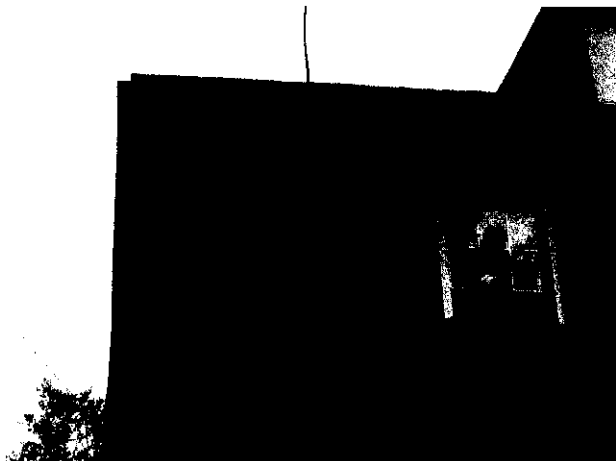

Martha Franklin, Secretary

STATEMENT OF CONFLICT OF INTEREST

I, Alison Blanton, of Hill Studio, 120 Campbell Avenue, S.W., Roanoke, Virginia 24011, state that I have a personal interest in the matter involving Official Tax Nos. 4011404 and 4011405, located at 308 – 310 Market Street, S.E., Roanoke, Virginia. Therefore, pursuant to Virginia Code Section 2.2-3112(A)(1), I must refrain from participation in this matter. I ask that the Secretary for the Architectural Review Board accept this statement and ask that it be made a part of the minutes of the meeting held on June 8, 2006, for the public body as that term is defined in the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100, et. seq., of the Code of Virginia of 1950, as amended, and be retained for five years as required by Section 2.2-3115 of the Code of Virginia of 1950, as amended.

Alison Blanton
Alison Blanton

Marion Ali Appeal of Architectural Review Board Decision
431 Elm Avenue, S.W.
for August 21, 2006 City Council Hearing





Mary F. Parker, CMC
City Clerk

CITY OF ROANOKE
Office of the City Clerk

Stephanie M. Moon, CMC
Deputy City Clerk

Sheila N. Hartman
Assistant City Clerk

July 7, 2006

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

I am enclosing copy of a Petition for Appeal filed by Marian M. Ali in connection with a decision of the Architectural Review Board to deny issuance of a Certificate of Appropriateness with regard to property located at 431 Elm Avenue, S. W. The petition was filed in the City Clerk's Office on Friday, July 7, 2006.

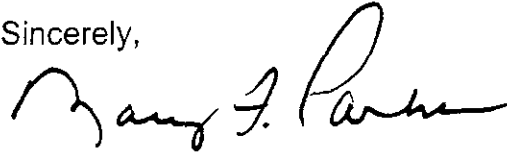
Section 36.1-642, Review Procedure, Code of the City of Roanoke (1979), as amended, provides that any property owner aggrieved by any decision of the Architectural Review Board may present to the City Council a petition appealing such decision, provided such petition is filed within 30 days after the decision is rendered by the Board. The Council shall schedule a public meeting and render a decision on the matter within 60 calendar days of receipt of the petition. Council may reverse or modify the decision of the Architectural Review Board, in whole or in part, or it may refer the matter back to the Board, or affirm the decision of the Board.

With the concurrence of Council, I will include the Petition for Appeal on the Monday, August 21, 2006, 7:00 p.m., City Council agenda.

The Honorable Mayor and Members
of the Roanoke City Council
July 7, 2006
Page 2

With kindest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Mary F. Parker". The signature is fluid and cursive, with the first name "Mary" being more prominent.

Mary F. Parker, CMC
City Clerk

MFP:ew

Enclosure

pc: Ms. Marian M. Ali, 431 Elm Avenue, S. W., Roanoke, Virginia 24016
Mr. Lawrence C. Musgrove, Jr., P. O. Box 13487, Roanoke, Virginia 24034
Kevin Earl, President, Old Southwest, Inc., 641 Walnut Avenue, S. W.,
Roanoke, Virginia 24016
Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Rolanda B. Russell, Assistant City Manager for Community Development
Lora J. Katz, Chair, Architectural Review Board, 1833 Belleville Road, S. W.,
Roanoke, Virginia 24015
Robert B. Townsend, Director, Planning, Building and Economic
Development
Anne Stuart Beckett, Agent, Architectural Review Board
Martha P. Franklin, Secretary, Architectural Review Board
Robert A. Clement, Jr., Neighborhood Development Specialist, Roanoke
Neighborhood Partnership



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us
June 9, 2006

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Ms. Marian M. Ali
431 Elm Avenue, S.W.
Roanoke, VA 24016

Dear Ms. Ali:

Subject: Application for a Certificate of Appropriateness
No. 06-039, 431 Elm Avenue, S.W.

On June 8, 2006, the Architectural Review Board of the City of Roanoke, Virginia, considered your request to approve vinyl soffits on the structure at 431 Elm Avenue, S.W., and a Certificate of Appropriateness was denied. The Board found that the application of the vinyl soffits was not appropriate and was not of the same design as the original materials and did not preserve and maintain the character-defining features of the building.

If you are aggrieved by this decision of the Architectural Review Board, you have the right to appeal the Board's decision to City Council within 30 days of the date of the decision. Information on the appeals process is enclosed. Please contact Anne Beckett a call at 853-1522 if you have additional questions.

Sincerely,

A handwritten signature in cursive script, reading "Martha P. Franklin".

Martha P. Franklin, Secretary
City Architectural Review Board

/f
enclosure
cc: Lora Katz, Chairman

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

PETITION FOR APPEAL

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): Marian M. Ali
2. Doing business as (if applicable): Positive Effect Therapeutic Massage
3. Street address of property which is the subject of this appeal: 431 Elm Ave SW Roanoke Va 24016
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: H-2
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: June 8, 2006
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): Section 36.1-345
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: to approve vinyl soffit for aluminum soffit. Project is near completion.
8. Grounds for appeal: Please see attached
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Lawrence C. Musgrove, Jr
P.O. Box 13487 Roanoke Va 24034
(540) 344-5583 or (540) 798 2672
Marian M Ali 431 Elm Ave SW Roanoke Va 24016
(540) 581-1183 or (540) 314-6881

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Mariam M. Ali

Name: Mariam M. Ali
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:

Name: _____
(print or type)

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by:

Mary J. Parker

Date:

07-07-06

Marian M. Ali : Petition For Appeal

8. Grounds for appeal: This property was deeded to me by my father, Lawrence C. Musgrove in December of 2005. I was anxious to improve the property and immediately started renovations. I ordered and paid for soffit March 9, 2006. March 21st, I received notice from the City of Roanoke to" contact Anne Beckett before beginning any exterior work in the H-2 District."

In April, 2006 I contacted Anne Beckett as directed and explained that I wanted to replace the soffitt on my house. Her reply was, "that is not a problem". She then went on to explain the benefits of taking the old soffit down and painting the wood underneath. We talked at great length about a variety of things, including replacing the gutters. **NEVER** was I instructed to come and fill out an application before continuing. Once our conversation was completed, I believed I could proceed with the project.

In May 2006, the workmen were replacing the soffit (almost completed) when they were abruptly told to stop because I was in violation of the Historic District codes. I was having aluminum soffit replaced with vinyl soffit. I was having one artificial substance replaced with another. Never was I told that this was not allowed.

My contention, is I did as I was instructed. I called Ms. Beckett. However, she failed to communicate to me what was required. Had I been told that I needed to fill out a form, I would have done so, and all of this could have been circumvented. I would have learned I was not to replace aluminum with vinyl. I could have returned the soffit and received a refund.

As it stands now, I have put \$2,400.00 in a project that I am unable to complete.

As a City employee and the "go to person" for information regarding what is appropriate in exterior renovations in Old Southwest, I was not informed and should not bear the expense of having someone come and tear out the existing replacement soffit to then replace it with aluminum soffit (which by the way is 2.5 times more costly than vinyl).

I am already working with the Architectural Review Board in bringing the 34 vinyl replacement windows I had installed up to their approval. I am to have exterior muntins placed (at .15 an inch plus labor) and remove the aluminum encasing the window sills and brick moulding. Of course all this exposed wood will have to be painted. This in itself is a costly venture.

As one board member told me, "your house is an eye sore." I don't disagree, but I am trying to improve the condition of the property. I have a business there. I currently live there. However, I have limited funds. Throwing away \$2,400.00 is unconscionable.